



United States
of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 105th CONGRESS, SECOND SESSION

Vol. 144

WASHINGTON, THURSDAY, MAY 7, 1998

No. 56

House of Representatives

The House met at 10 a.m. and was called to order by the Speaker pro tempore (Mr. LATOURETTE).

DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,

May 7, 1998.

I hereby designate the Honorable STEVE LATOURETTE to act as Speaker pro tempore on this day.

NEWT GINGRICH,

Speaker of the House of Representatives.

PRAYER

Reverend Kenneth G. Wilde, Senior Pastor, Capital Christian Center, Meridian, Idaho, offered the following prayer:

Let us pray together. Lord God of heaven, You are a great and awesome God, You who keep Your covenant and always observe Your commandments. We come to You on this National Day of Prayer in deep humility and with a broken and contrite heart. We turn to You as a people who have sinned and ask forgiveness for those times when our Nation has been unfaithful to You. We recognize our inability to act righteously outside of Your divine enablement. Give us now a national resolve to seek You with all of our heart, to love Your commandments, and to follow hard after You. Once again, ignite our Nation with hope as we pursue Your purposes for which we have been established. May righteousness be our byword. May peace be in our homes, our streets, and our cities. Lord, restore unto us the joy of our salvation.

Lord, You have placed in this room great leaders to whom You desire to pour out wisdom and direction. In this difficult and challenging place of leading this Nation, give them divine guid-

ance and keep them from the evil one. Inspire them with a heart for our Nation. Sanctify them with Your truth, for Your word is truth. May they know Your love and see Your glory. May they all understand, as Esther did, that just very possibly they have been brought to the Kingdom for such a time as this.

Now, as Daniel prayed, we also pray. Oh, Lord, hear. Oh, Lord, forgive. Oh, Lord, listen and act. Do not delay for your own sake, my God, for Your city and Your people who are called by Your Name. We humbly offer these things to you in Your precious name. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Nevada (Mr. GIBBONS) come forward and lead the House in the Pledge of Allegiance.

Mr. GIBBONS led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will recognize 10 one-minutes per side following the recognition of the gentlewoman from Idaho (Mrs. CHENOWETH) for the purposes of welcoming the guest pastor, Reverend Wilde.

PASTOR KENNETH G. WILDE

(Mrs. CHENOWETH asked and was given permission to address the House for 1 minute.)

Mrs. CHENOWETH. Mr. Speaker, it is indeed an honor and a privilege for me to welcome to this House of Representatives my pastor from Boise, Idaho, Ken Wilde. Pastor Wilde is the senior pastor of the Capital Christian Center, a church that has a membership of about 2,000 and is growing very quickly in Boise, Idaho.

Pastor Wilde is not only the senior pastor of our church, but also a very strong community leader. I am so deeply grateful for pastors such as Pastor Wilde who will involve themselves, not just in the very heavy responsibilities of shepherding their people, but also influencing them into government and into active participation in politics.

It has been, indeed, my honor and privilege to welcome to this great House Pastor Ken Wilde.

NATIONAL DAY OF PRAYER

(Mr. DELAY asked and was given permission to address the House for 1 minute.)

Mr. DELAY. Mr. Speaker, in 1861, Abraham Lincoln signed a proclamation that recommended

*** a day of public humiliation, prayer, and fasting to be observed by the people of the United States with religious solemnities, and the offering of fervent supplications to Almighty God for the safety and welfare of these States, His blessings on their arms, and a speedy restoration of peace.

Then, strife and war were tearing apart the United States, and to many Americans, prayer was the only way to survive those difficult times.

Times in America are better now. We are at peace. Our economy is booming, and things seem to be going pretty well. But, Mr. Speaker, today we need the power of prayer more than ever. Despite the appearance of good times,

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.



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many Americans feel that there is a moral crisis in our Nation.

Today is the National Day of Prayer, a time when all Americans can come together and reflect on our Creator and the blessings He has bestowed on this Nation. I think it is altogether fitting and appropriate that we continue the traditions of Abraham Lincoln and join together in this National Day of Prayer.

CAMPAIGN FINANCE INVESTIGATION

(Mr. PALLONE asked and was given permission to address the House for 1 minute.)

Mr. PALLONE. Mr. Speaker, yesterday the gentleman from Indiana (Mr. BURTON), the chairman of the House Committee on Government Reform and Oversight apologized to his Republican colleagues for the uproar over his release of the Hubbell tapes.

The gentleman from Indiana also announced the removal of his chief investigator. However, it is not enough for the gentleman from Indiana to fire his chief staff person. He should have removed himself from any further role in this investigation. The staff person did not release the tapes; the gentleman from Indiana did. The staff person did not change and edit the tapes, the gentleman from Indiana did.

The gentleman from Indiana claims immunity from prosecution because he is a Congressman. If an ordinary person had released or changed the tapes, it would be a crime, obstruction of justice, and they would go to jail. The gentleman from Indiana uses his position as a Congressman to assert immunity, claiming, in effect, that he is above the law.

At a minimum, the gentleman from Indiana should be removed from any further role in this investigation. He clearly cannot operate as chairman in a fair manner. Neither he nor any other Member of this House is above the law.

TAX FREEDOM DAY

(Mr. GOSS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GOSS. Mr. Speaker, this weekend, Americans will celebrate Mother's Day and pay tribute to mothers all across our Nation for the care, love, and strength that they provide for their families and children.

How distressing it is that this day should fall on the same date that hard-working Americans celebrate another day, Tax Freedom Day, the day we finally quit working to pay the burden of government and start working for the benefit of our own families.

National Tax Freedom Day is, in fact, May 10 this year, the latest date it has ever been. Every year, Tax Freedom Day moves later and later. Soon we are going to be celebrating Tax

Freedom Day on Father's Day at the rate we are going.

Most Americans want us to move Tax Freedom Day back to the tax payment day, which is April 15, as we well know. Those two dates have not coincided for over 30 years.

Despite last year's tax relief provided by this Republican-led Congress, the average family still pays 38 percent of their income to taxes, and that is way too high, as we all know. So let us make last year's tax cut the first step, but not the last step, toward giving Americans control over their own incomes, and commit to stopping the Tax Freedom Day creep.

Meanwhile, happy Mother's Day.

MODIFIED ASSAULT WEAPONS

(Mrs. CAPPS asked and was given permission to address the House for 1 minute.)

Mrs. CAPPS. Mr. Speaker, today I am releasing a bipartisan letter to the President in support of his recent ban on the import of modified assault weapons and pledging to oppose any legislative efforts to overturn it. This is a commonsense, moderate approach to fighting gun-related crime.

I fully support the rights of hunters, but these modified assault weapons are not for sport or hunting. They are manufactured for killing people. They are used on our streets for committing crimes. These firearms put our children and the public at great risk.

James Guelff, the brother of my constituent Lee Guelff, was killed by an assault weapon while serving on the San Francisco Police Department. These modified weapons are really just assault weapons that have been cosmetically altered when they are imported. The result is violence in our communities, on our streets. We must not allow the ban on assault weapons to be overturned.

PROHIBIT TRANSFER OF TECHNOLOGY TO ENHANCE CHINA'S MISSILE PROGRAM

(Mr. GIBBONS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GIBBONS. Mr. Speaker, has the White House gone fishing, or are they just somewhere out there, lost in space?

I know I should not be surprised, but quite frankly, I am shocked that the Clinton administration is giving classified American missile technology to China. While this administration publicly pats itself on the back for nurturing relations with China, China is spreading this missile technology around the world, including rogue and terrorist nations.

The space cadets in this administration are trying so hard to push a bad policy that they just approved the transfer of classified missile technology to China's Great Wall Industries.

In case you did not know, Great Wall Industries supplies and builds components for China's nuclear missiles. Americans are asking: Is this administration trying to inhale in the vacuum of space, or is this just plain ignorance on their part?

It is time we sent a clear message to these space balls that Congress will not reward bad behavior or bad policy. It is time for us to prohibit the transfer of nuclear technology that can be used to enhance China's missile program.

NATIONAL DAY OF PRAYER

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Speaker, today is the National Day of Prayer. There will be prayer in hospitals, prisons, State legislatures, the House of Representatives, United States Senate, the White House, and even prayer to open the Supreme Court, but there will be no prayer in our schools.

Think about it. A Supreme Court that opens each session with "God, save the United States and this honorable court" on one hand forbids prayer in our schools on the other hand. This is a Supreme Court that must be challenged by the Congress of these United States.

A school without prayer is a school without God. Members know it. I know it. The American people know it. Deep down, even the Supreme Court knows it. We do not just need a National Day of Prayer for political purposes. We should overrule the Supreme Court and pass a law to allow prayer in our schools. In America, the people govern, not the courts.

MARRIAGE PENALTY RELIEF

(Mr. HOSTETTLER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HOSTETTLER. Mr. Speaker, the Declaration of Independence asserts that "all men are created equal and that they are endowed by their Creator with certain unalienable rights, that among these are life, liberty, and pursuit of happiness."

Governments are then instituted to preserve these rights for mankind. But today, our American Government is in grave violation of that principle to treat each man and woman equally. Married men and women bow under a heavier tax burden than singles, a tax burden on average as great as \$1,400.

Why does your Nation's tax law discriminate against those who participate in the institution of marriage and even discourage their participation through an annual charge of \$1,400?

The Tax Foundation has reported that 60 tax provisions handle married couples differently than singles. A married couple's income is taxed under the higher 28 percent bracket at a lower

point than a single's income. Married couples receive a lower standard deduction than two singles. Even tax provisions regarding Social Security, capital gains, and the Earned Income Tax Credit are subject to this disparity.

This unfair treatment, inconsistent with the principles on which this Nation was founded and on which we base our congressional service, must stop. I ask my colleagues to join in marriage penalty relief.

CAMPAIGN FINANCE REFORM

(Mr. DOGGETT asked and was given permission to address the House for 1 minute.)

Mr. DOGGETT. Mr. Speaker, when it seemed they had no promises left unbroken, the Gingrich Republicans have apparently decided to break yet another promise on cleaning up this Congress.

As over 200 Members of this House stood strong outside this door signing a petition, demanding that campaign finance reform be debated here on the floor of the Congress in a fair and bipartisan manner, Speaker GINGRICH grew desperate, and he came forward and said, if you will not have that kind of reform, we will vote on campaign finance reform no later than May 15.

On my calendar, that is next week. Yet, word is circulating that the Gingrich Republican leadership, which has done practically nothing in this entire Congress on anything, has decided to do absolutely nothing on campaign reform in the entire month of May.

Mr. Speaker, when it comes to the matter of cleaning up corruption, they know that each day of delay will assure the death of real reform.

HUBBELL TAPES SHOW EVIDENCE OF CRIMES

(Mr. SHIMKUS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SHIMKUS. Mr. Speaker, while the other side is becoming increasingly hysterical every time evidence is unearthed, I would ask my Democratic friends a few questions. What do you suppose Webster Hubbell meant when he said on tape, so I need to roll over one more time?

□ 1015

Again, for the benefit of those on the other side who may be too busy attacking and smearing everyone whose job it is to uncover the truth, I ask them, what do they think convicted felon Webster Hubbell meant when he said, "So I need to roll over one more time." Or, "I will not raise those allegations that might open it up to Hillary." What about Mrs. Hubbell's statements about overbilling that, "That would be one area Hillary would be vulnerable." Is this not evidence of crime? Is this not relevant to the investigation now ongoing?

Can we not agree that our citizens deserve the truth and that no citizen is above the law?

BURTON COMMITTEE HAS BECOME PAPARAZZI OF AMERICAN POLITICS

(Mr. EDWARDS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. EDWARDS. Mr. Speaker, Harry Truman would not be impressed. "The buck stops here" has now been amended by Republicans in Congress to say, "The buck stops with staff; don't blame me."

The gentleman from Indiana (Mr. BURTON) has released private conversations between husband and wife. He released edited tapes that misrepresented those conversations. He has said he is "out to get President Clinton."

When the gentleman is supposed to be leading an impartial investigation, when public outrage forced action, what did Republicans do? They fired a staff person. Harry Truman would not buy that and neither will the American people.

Republicans have changed the principle of innocent until proven guilty to guilty before the facts are heard. Republicans have changed the principle of limited government to the injustice of government, forcing mothers to testify against their daughters and the injustice of intruding into marital conversations.

The Burton committee has become the paparazzi of American politics, and that is a sad day for our country.

SOME WANT TO DIVERT ATTENTION FROM SCANDAL IN WHITE HOUSE

(Mr. PITTS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PITTS. Mr. Speaker, let me see if I have got this straight. The same White House that hired private investigators to look into the private lives of Judge Starr and his deputies now is offended that the privacy rights of his victim friend, Web Hubbell, has been violated.

The same White House that releases documents, subpoenaed documents, no less, one drip at a time, now is complaining that the Committee on Government Reform and Oversight is not being forthcoming in release of documents.

The same White House which collected 900 FBI files, just all happened to be Republicans, is a defender now of privacy rights.

The same Democrats who took the criminal intercept of a private conversation on a cellular phone last year and then released it to the press is now upset that the perfectly legal and routinely taped conversation of a convicted prisoner has been exposed for all the world to see.

Maybe all these people simply wish to divert attention from the greatest scandal of them all: the one in the White House.

BURTON INVESTIGATION IS AN EMBARRASSMENT

(Mr. ALLEN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ALLEN. Mr. Speaker, the Burton investigation is an embarrassment. I know; I am a member of the committee.

Yesterday, the Republican leadership apologized to the Republican Members of this House. They should apologize to the American people. Millions of taxpayer dollars are being wasted on a partisan, unprofessional, indeed, inept investigation.

White House personnel like Marsha Scott and Maggie Williams have been deposed for days and forced to incur thousands of dollars in legal fees to answer questions asked by other investigators. Apologize to them.

The Federal budget, a patient's bill of rights, improved education, more support for child care, all are being neglected while Republican staffers listen to taped conversations between Webster Hubbell and his wife and pour over Democratic documents. For all that, apologize to the American people.

Let us get on with the business of American families. Replace the gentleman from Indiana (Mr. DAN BURTON) not just his staff.

TRIBUTE TO DR. JAMES D. STRAUSS

(Mr. REDMOND asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. REDMOND. Mr. Speaker, today I rise to pay tribute to one of America's living treasures, Dr. James D. Strauss of Lincoln Christian Seminary.

Dr. Strauss has committed his life to the training of Christian ministers who today circle the globe in their service to people of many ethnic and racial groups.

Dr. Strauss is no ordinary professor. For 40 years his sharp mind has ignited sleeping minds. His commitment has influenced great accomplishments in others. His servant's heart has moved others to service. His profound grasp of reality has inspired others in such a way that they understand their place in the universe.

Today, the honor of professor emeritus will be conferred upon Dr. James D. Strauss, an honor that in his humility, he would deny that he has earned. Yet his vigor and quest for his service to God will no doubt give new meaning to the word "emeritus."

Dr. Strauss, your servants have seen and bear witness that you have presented your life as a living sacrifice, holy and acceptable before our Creator.

Mr. Speaker, I am honored to be able to pay tribute to one of America's greatest living treasures, Dr. James D. Strauss.

HELP STAMP OUT HUNGER

(Mr. HALL of Ohio asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HALL of Ohio. Mr. Speaker, I just want to say that this Saturday the largest 1-day food drive in our Nation will be conducted by mail carriers in more than 10,000 cities throughout America.

The members of the National Association of Letter Carriers will add another burden to their already heavy loads, the burden of trying to help the 21 million Americans who regularly go hungry. They will do this heroic work by picking up donations of nonperishable food from almost every home in America. The contributions will stay in local communities, helping food banks that are straining to meet a blooming demand for their help.

Last year this extraordinary effort yielded 73 million pounds of food. They collected in 1 day as much as the combined efforts of hundreds of food banks yield in an entire month.

The U.S. Postal Service is lending a hand, as are local United Way agencies and Campbell's Soup. All that remains is a strong response from the public.

I urge my colleagues to do all they can to join the letter carriers and help stamp out hunger.

SUPPORT THE AMERICAN ECONOMY PROTECTION ACT

(Mr. KNOLLENBERG asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KNOLLENBERG. Mr. Speaker, today I am joined by my colleagues, the gentlewoman from Missouri (Mrs. JO ANN EMERSON) and the gentleman from Pennsylvania (Mr. RON KLINK), to introduce a bill to protect our strong and growing economy. The bill, entitled The American Economy Protection Act, would prevent the Clinton administration from spending taxpayer dollars to implement the Kyoto treaty until it has been ratified by the Senate.

This overreaching treaty poses a direct threat to the American economy. If implemented, American jobs would flow overseas and the American people would be saddled with regulations that will diminish the quality of life in this country.

Lacking the votes to win ratification in the Senate, the administration wants to circumvent the will of Congress and implement the Kyoto treaty by regulatory fiat. As Members of Congress, we have an obligation to ensure that this does not happen.

And again, I want to repeat, our bill would prohibit, prohibit, the funds for any implementation of the Kyoto pro-

ocol unless it is ratified by the Senate.

I urge my colleagues on both sides of the aisle to join in supporting this important bill. It will protect the jobs of our constituents and defend the integrity of the Constitution.

CHAIRMAN BURTON'S OVERSIGHT COMMITTEE HAS NO CREDIBILITY

(Mr. BARRETT of Wisconsin asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BARRETT of Wisconsin. Mr. Speaker, this morning we learned that the gentleman from Indiana (Mr. BURTON) apologized to the Republicans yesterday for his behavior on the committee. We also saw in this morning's paper where Speaker Gingrich criticized the gentleman from Indiana and his staff for embarrassing Republicans, and that he apologized to Republicans on the gentleman's behalf.

Mr. Speaker, this misses the entire point. It is not the Republicans that deserve an apology, it is the American people; because the American people are the ones that have paid the million-dollar bill for this circus.

The American people want one thing from this committee: They want fairness. And time and time again, the chairman of the Committee on Government Reform and Oversight and his staff have shown that the last thing they are interested in in this committee is fairness.

The apology was given to the Republicans because it has messed up the entire attack plan. How can they attack the President if they have no credibility? But the fact of the matter is, Mr. Speaker, this committee has no credibility, because from day one there has never been an attempt to find the truth; it has been nothing more than an attempt to smear the President.

DO NOT LET ADMINISTRATION REGULATE OUR ECONOMY DOWN THE TUBE

(Mrs. EMERSON asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. EMERSON. Mr. Speaker, I am proud to join my colleagues, the gentleman from Michigan (Mr. KNOLLENBERG) and the gentleman from Pennsylvania (Mr. KLINK), in cosponsoring the American Economy Protection Act, which will block the use of any Federal funds to implement the so-called Kyoto Treaty on Global Climate Change unless the Senate ratifies the agreement.

I say "so-called" because there is absolutely no scientific consensus that global warming has occurred, and yet the administration continues to push its implementation of this treaty through the back door. As policymakers, we have an obligation to know first that a problem exists before we try to fix it.

I have to ask why we would agree to a treaty when our international competitors, like Brazil, Mexico, Indonesia, India, and Communist China would be free to continue doing business as usual? Are they any less responsible for the Earth's climate than the United States? I do not think so.

Let us not let the administration regulate our economy down the tubes. I ask my colleagues to join the three of us in cosponsoring this legislation and giving the American people a voice in whether or not this flawed treaty should go forward.

WHAT EDITORIAL BOARDS ARE SAYING ABOUT BURTON INVESTIGATION

(Mr. WAXMAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WAXMAN. Mr. Speaker, nothing alarms the American people more than an abuse of power and an invasion of people's privacy. The gentleman from Indiana (Mr. DAN BURTON) has grossly abused the most unprecedented power that any Congressman has ever had in the history of this institution in violating the privacy of an American citizen.

These complaints are not just the complaints of Democrats. I want to read from the Hartford Courant:

Who could have anticipated that a renegade congressional committee chairman would subpoena the tapes and release them to the public, disregarding Federal prison policy and provisions of the Privacy Act? People have much to fear from an elected official who takes such liberties and abuses his power.

And the USA Today said:

Republican leaders will only compound the impression of partisanship if they fail to turn the fund-raising over to a committee with a less biased leader.

Mr. Speaker, we must ask the Republican leadership to fix this problem, not just to apologize to their own Members.

WHO IS THE VICTIM?

(Mr. WELDON of Florida asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WELDON of Florida. Mr. Speaker, who is the victim here? Webster Hubbell, who was President Clinton's third highest ranking official in the Clinton Justice Department, embezzled nearly half a million dollars from his law partners.

This is the kind of person that the President appointed to be the third ranking official within the Department of Justice:

Webster Hubbell, whom Clinton donors gave more than \$700,000 after he was forced to resign from office. Webster Hubbell, who paid less than \$30,000 in taxes after receiving more than \$1 million in income in 1994. And we note

that there is evidence that he did not actually even earn this income. Webster Hubbell, who plea bargained with Judge Starr and then refused to cooperate with Judge Starr and who then took the fifth amendment before the Committee on Government Reform and Oversight.

Now the Democrats are trying to portray him as the victim.

Mr. Speaker, the Democratic Party has long been the victimization party, but this is the mother of all misplaced victimhood.

Why does the other side not address instead their hero's jailhouse comments: needing to roll over one more time?

BURTON APOLOGIZES TO GOP

(Ms. DELAURO asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. DELAURO. Mr. Speaker, I would like to share with this House a headline from the front page of this morning's Washington Post: "Burton apologizes to GOP." It seems that the gentleman from Indiana (Mr. DAN BURTON) has told his Republican colleagues that he is sorry for bungling the investigation meant to score political points against the President.

How about an apology to all of the Members of this body for subverting the investigative process and tarnishing the integrity of this House? How about an apology to the American people for violating their trust, for an abuse of power and distortion of the truth? The gentleman from Indiana has put himself above the law. No one is above the law.

I would like to quote the Hartford Courant, who editorialized this week, and I quote:

People have much to fear from an elected official who takes such liberties and abuses his power. The gentleman is a poor excuse for a public servant.

It is time for the chairman of the Committee on Government Reform and Oversight to step down.

□ 1030

RETURNING TO THE SENATE S. 414, OCEAN SHIPPING REFORM ACT OF 1998

Mr. GILCHREST. Mr. Speaker, I ask unanimous consent that the request of the Senate to return the Senate bill (S. 414) to amend the Shipping Act of 1984 to encourage competition in international shipping and growth of United States exports, and for other purposes, be agreed to.

The SPEAKER pro tempore (Mr. LATOURETTE). The Clerk will report the Senate message.

The Clerk read as follows:

S. RES. 215

Resolved, That the Secretary of the Senate is directed to request the House of Representatives to return to the Senate the offi-

cial papers on S. 414, entitled "An Act to amend the Shipping Act of 1984 to encourage competition in international shipping and growth of United States exports, and for other purposes".

SEC. 2. Upon the return of the official papers from the House of Representatives, the Secretary of the Senate is directed to make the following change in the text of the bill, viz:

In the amendment of section 8(f) of the Shipping Act of 1984 by section 106(e) of the bill, insert a comma and "including limitations of liability for cargo loss or damage," after "practices".

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Maryland?

There was no objection.

AUTHORIZING USE OF EAST FRONT OF CAPITOL GROUNDS FOR PERFORMANCES SPONSORED BY JOHN F. KENNEDY CENTER FOR THE PERFORMING ARTS

Mr. KIM. Mr. Speaker, I ask unanimous consent for the immediate consideration of the concurrent resolution (H. Con. Res. 265) authorizing the use of the East Front of the Capitol Grounds for performances sponsored by the John F. Kennedy Center for the Performing Arts.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

Mr. TRAFICANT. Mr. Speaker, reserving my right to object, I would ask the gentleman from California (Mr. KIM) to give an explanation of the resolution at this point.

Mr. KIM. Mr. Speaker, will the gentleman yield?

Mr. TRAFICANT. I yield to the gentleman from California.

Mr. KIM. Mr. Speaker, I thank the gentleman for yielding.

House Concurrent Resolution 265 authorizes the use of the East Front of the Capitol for performances of the Millennium Stage of John F. Kennedy Center for the Performing Arts. The performances are to take place on Tuesdays and Thursdays when Congress is in session, beginning on May 12 and running through September 30, 1998.

The performances will be open to the public free of charge, and the sponsors of the event, the Kennedy Center and the National Park Service, will assume responsibility for all liabilities associated with the event. The Architect of the Capitol will be responsible for some of the expenses associated with the event. The resolution expressly prohibits sales, displays, and solicitation in connection with the event.

This is a unique event for use of Capitol grounds, as it will take place over a period of time with the Architect's assistance. However, these arrangements are warranted due to the unique mission of the Kennedy Center to provide leadership in the national per-

forming arts education policy and programs and to conduct education and community outreach. By permitting these performances on the East Front, the Congress is assisting the Kennedy Center, a Federal entity, in fulfilling this mission.

Mr. TRAFICANT. Mr. Speaker, further reserving my right to object, these concerts will be free of charge, open to the public. And the Kennedy Center is well known throughout the world now, especially in our country, for the great contributions they make.

Mr. Speaker, I urge support of the resolution, and I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

The Clerk read the concurrent resolution, as follows:

H. CON. RES. 265

Resolved by the House of Representatives (the Senate concurring),

SECTION 1. AUTHORIZING USE OF EAST FRONT FOR PERFORMANCES SPONSORED BY KENNEDY CENTER.

In carrying out its duties under section 4 of the John F. Kennedy Center Act (20 U.S.C. 76j), the John F. Kennedy Center for the Performing Arts in cooperation with the National Park Service (in this resolution jointly referred to as the "sponsor") may sponsor public performances on the East Front of the Capitol Grounds at such dates and times as the Speaker of the House of Representatives and Committee on Rules and Administration of the Senate may approve jointly.

SEC. 2. TERMS AND CONDITIONS.

(a) IN GENERAL.—Any performance authorized under section 1 shall be free of admission charge to the public and arranged not to interfere with the needs of Congress, under conditions to be prescribed by the Architect of the Capitol and the Capitol Police Board.

(b) ASSUMPTION OF LIABILITIES.—The sponsor shall assume full responsibility for all liabilities incident to all activities associated with the performance.

SEC. 3. PREPARATIONS.

(a) STRUCTURES AND EQUIPMENT.—In consultation with the Speaker of the House of Representatives and the Committee on Rules and Administration of the Senate, the Architect of the Capitol shall provide upon the Capitol grounds such stage, sound amplification devices, and other related structures and equipment as may be required for a performance authorized under section 1.

(b) ADDITIONAL ARRANGEMENTS.—The Architect of the Capitol and the Capitol Police Board may make such additional arrangements as may be required to carry out the performance.

SEC. 4. APPLICABILITY OF PROHIBITIONS.

Nothing in this resolution may be construed to waive the applicability of the prohibitions established by section 4 of the Act of July 31, 1946 (40 U.S.C. 193d; 60 Stat. 718), concerning sales, displays and solicitations on the Capitol Grounds.

SEC. 5. EXPIRATION OF AUTHORITY.

A performance may not be conducted under this resolution after September 30, 1998.

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. KIM. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H. Con. Res. 265.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

RESIGNATION FROM COMMITTEE ON EDUCATION AND WORKFORCE

The Speaker pro tempore laid before the House the following resignation from the Committee on Education and the Workforce:

HOUSE OF REPRESENTATIVES,
Washington, DC, May 6, 1998.

Speaker NEWT GINGRICH,
Republican Steering Committee, The Capitol,
Washington, DC.

DEAR SPEAKER GINGRICH, This is to officially request a temporary leave of absence from the Education and Workforce Committee, effective immediately.

Because of my additional two Committee assignments and other pressing commitments, I have determined that this temporary change is necessary for the balance of the 105th Congress. Chairman Hoekstra and I have discussed this at length, and I understand one of our colleagues has expressed an interest in being appointed to the Education and Workforce Committee, with an assignment being made to the Oversight & Investigation Subcommittee.

I would ask that my seniority be preserved so that, should I chose to be reappointed to the Education and Workforce Committee at the beginning the 106th Congress it would be to my current position.

Thank you for consideration of this matter.

Sincerely,

JOE SCARBOROUGH.

The SPEAKER pro tempore. Without objection, the resignation is accepted.

There was no objection.

APPOINTMENT OF CONFEREES ON H.R. 2646, EDUCATION SAVINGS ACT FOR PUBLIC AND PRIVATE SCHOOLS

Mr. ARCHER. Mr. Speaker, pursuant to clause 1 of rule XX, and by the direction of the Committee on Ways and Means, I ask unanimous consent to take from the Speaker's table the bill (H.R. 2646) to amend the Internal Revenue Code of 1986 to allow tax-free expenditures from education individual retirement accounts for elementary and secondary school expenses, to increase the maximum annual amount of contributions to such accounts, and for other purposes, with a Senate amendment thereto, disagree to the Senate amendment, and request a conference with the Senate thereon.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

MOTION TO INSTRUCT OFFERED BY MR. RANGEL.

Mr. RANGEL. Mr. Speaker, I offer a motion to instruct.

The SPEAKER pro tempore. The Clerk will report the motion.

The Clerk read as follows:

Mr. RANGEL. moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the Senate amendments to the bill H.R. 2646, the Education Savings Act for Public and Private Schools, be instructed to agree to provisions relating to tax-favored financing for public school construction consistent, to the maximum extent possible within the scope of conference, with the approach taken in H.R. 3320, the Public School Modernization Act of 1998.

The SPEAKER pro tempore. The gentleman from New York (Mr. RANGEL) will be recognized for 30 minutes, and the gentleman from Texas (Mr. ARCHER) will be recognized for 30 minutes.

The Chair recognizes the gentleman from New York (Mr. RANGEL).

Mr. RANGEL. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, nearly all Americans know that the most important issue facing us today is educating our young people to meet the challenges of tomorrow, especially as we move into the next century. It is going to be an era that, with all of the inventions and all of the wonders that we have accomplished in this century, will be absolutely nothing compared to what we have to face in the next century.

It is really so painful to see my Republican friends, instead of stepping up to the bar and asking, "What can we do in a bipartisan way to make certain that our children are not used as ammunition in this great political fight that we have," so that at least we know, when the dust has settled, that we have a sound public school system that would train our kids and help our kids to be able to meet these challenges.

Instead of that, we have before us a bill that tells people, "Save your money, enjoy tax-free benefits; and this is what we, as the majority party, have to offer you."

Thank God we have people that can read in this country, that can see through the farce that is before us. If everything works the way the authors of the bills work, then in the period of a year, those who are fortunate enough to be able to send their kids to private school will have savings of \$37. And because they want to make it abundantly clear that this is not restricted to the private sector, there should be savings of \$7 a year for the kids in the public school.

How short our memory is when the millions of people who came to this country, so many without training, seeking a better way of life, looking for religious freedom, but better than that, wanting to make life better for their children, where we had a public school system that was there for them. Instead of reaching out, trying to destroy the system and substituting it with vouchers and tax loopholes, we should be saying that in this country of ours, every kid should be able to get a decent education.

It is absolutely disgraceful to think that we are just giving interest-free money when what we do have in the motion to instruct is an opportunity to vote for that motion to tell the conferees to come up with a bill that would modernize our schools and provide the funds that are there tax free for construction of decent public schools in this great country of ours.

What a shame it is that we have prisoners locked up in jails and locked up in penitentiaries that have better quarters than the kids have in our schools. I have visited schools throughout my district and throughout the country where kids cannot be in a classroom when it rains, where kids are in overcrowded situations. And these are the public schools.

They may not like them because the common man and the common woman have to send their kids there, but 90 percent of American youngsters go to these public schools. How can they be ignored? And what benefits can they get from this bill? We cannot take the money out of an individual savings account and rebuild a school or provide adequate space for the kids. It is a farce to do this, and it is even worse if we relate it to education.

So we have to be appreciative of two things: one, that our colleagues on the other side of the aisle are not serious, and that is good because it means that they do not want to do harm; one, they have allocated the money to pay for this bill with every bill they think the President is going to veto. And so, they are not serious, but it is a terrible, political thing to do.

And second, they know that the President is serious about the education of our children and will veto this farce so that the tax burden will not be on the American people.

So I ask my colleagues, please, when the appropriate time comes, let us instruct the conferees to come up with something decent, something that would improve our school system; and then we by agreement with our voters, Republicans and Democrats alike, will say that we have differences, but those differences are not so great that we are going to sacrifice the education of the American children.

Mr. Speaker, I reserve the balance of my time.

Mr. ARCHER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the education of our children is one of the most important issues that our Nation faces. Part of our educational system is outstanding; it is competitive with the world, if not better than the rest of the world. But there are other parts of our educational system that are falling behind.

Every day our moral and social fabric is strengthened when our children receive strong educations. As children learn and grow, we as a Nation are enriched.

Unfortunately, the state of education in America today is not as good in

some areas as it should be, and it is time to give our schools and our teachers and our children a helping hand. The House and the Senate have both passed strong measures to enhance the education of children. Now we must meet in conference, reconcile the differences between our bills, and send our plan to the President.

The House education plan is the best thing to happen to education in years. It is good for the public schools; it is good for private schools; it is good for parochial schools. And it is good for those parents who are more and more educating their children in their own homes. But most importantly, it is good for students everywhere; and that is good for America's future.

Our plan creates educational savings accounts that allow parents and children to deposit up to \$2,500 a year into these vehicles for better learning. The money will grow tax-free, and it can be used for a variety of educational purposes. Parents can use it to pay for tutors, to buy books, supplies, and uniforms and can use it for tuition and special-needs services for the disabled.

Mr. Speaker, the time has come for us to put our children and our schools first. Although I know there are some who are under heavy pressure from special interests to oppose this bill.

□ 1045

Mr. President, do not veto this bill. Do not put the needs of the special interests ahead of the needs of our children and our schools. If you support Federal money through HOPE scholarships for public and private universities, why would you oppose Federal money for public and private secondary schools? If HOPE scholarships do not destroy public universities, why will educational savings accounts harm public high schools? The answer, Mr. President, is they will not.

Join me in putting our children and our schools first. Let us set partisanship aside. Let us do what is right for our children. There has been bipartisan support for this approach, both in the House and in the Senate.

Mr. Speaker, let me speak briefly to the motion to instruct. The gentleman from New York's heart is in the right place. He cares about children, too, and about education. But he wants a ten-fold expansion of a program that was included in the Taxpayer Relief Act of 1997. That is impossible within the scope of this conference. The objectionable features to the gentleman from New York that are in this bill are actually not in his motion to instruct. His motion to instruct, if passed, would not change his opposition to the rest of the bill as he articulated in his comments.

But perhaps most importantly what he asks for in the motion to instruct is impossible within the scope of conference. It is not in either the House or the Senate bill. But his motion to instruct lives within the technical rules because he says do it within the scope of conference, knowing full well the

scope of conference will not permit it to occur.

Very simply, this is an ill-conceived, ill-devised motion to instruct that will have no practical effect on the conference and should be voted down.

Mr. Speaker, I reserve the balance of my time.

Mr. RANGEL. Mr. Speaker, I yield myself such time as I may consume. I really enjoy working with the chairman of the Committee on Ways and Means. If he sincerely believes that the motion to instruct is outside the scope of the conference, I want to thank him for not raising a point of order. It saves me a little time in debating that and winning that issue on the floor.

I also would want to say that I really do hope that we all yield to special interests today, because our young people are very special. They deserve better than what is being offered to them in this bill. If there is anyone on the other side of the aisle that has enough imagination that they can tell this House how the public schools benefit under the bill, then I hope they research that issue and raise that question given the opportunity.

Mr. Speaker, I yield 2 minutes to the gentlewoman from Connecticut (Ms. DELAURO).

Ms. DELAURO. Mr. Speaker, the bill we are about to send to conference is yet another attempt by the Republican leadership to drain precious dollars away from our public schools and put them into private schools. In fact, an analysis by the Treasury Department found that 70 percent of the benefits of the Private School Expense Act would go to families making \$93,000 a year or more. The average middle-class family would find itself with a measly \$10 benefit a year, not nearly enough to cover the costs of a private high school, which is typically about \$4,500. We need to focus on improving the schools that serve 90 percent of America's children, the public schools.

We need to invest in technology and put computers in the classroom. We need to modernize and rewire all school buildings so that they can support the technology that is so essential for success in the 21st century. We need to invest in laboratories so that students have hands-on experience with science and have the chance to experiment and challenge themselves with new opportunities. We need to let public education do what it has always done in this great Nation of ours, be the great equalizer, allowing children in this country to succeed despite what their race, their creed, their gender or their economic status is.

We need to improve our public schools. Let us get to work on legislation that is going to help America's children, not just the token few. I urge my colleagues to vote yes on the Rangel motion to instruct.

Mr. ARCHER. Mr. Speaker, I yield myself such time as I may consume to briefly respond to the gentlewoman who just spoke and the gentleman from

New York, who clearly both object to the fundamental issues in this bill. The motion to instruct will not touch any of the issues that they oppose and I daresay would not bring about their vote for final passage, although I cannot presume to know how they would vote, but clearly does not go to any of the issues that were mentioned by the gentlewoman who just spoke.

But let me set one thing straight. This bill does not take any dollars away from public schools in this country. The gentlewoman misspoke about that. I think that she knows she misspoke. It does not drain dollars away from public schools. But what it does do is give parents an opportunity to save so that they can help to offset the costs of education for their children in elementary and secondary schools and to get some degree of tax incentive to do that. It is a very positive program that hurts no one and can only help.

Mr. Speaker, I yield such time as he may consume to the gentleman from Pennsylvania (Mr. GOODLING), the chairman of the Committee on Education and the Workforce.

Mr. GOODLING. Mr. Speaker, I thank the gentleman for yielding time. I have spent my entire life trying to make sure that every child has an equal opportunity for a quality education. But there has been nothing more frustrating than sitting here in the Congress of the United States to try to make that a reality. It is frustrating because over and over again year after year all I ever hear is if we have another program, if we have something else from the Federal level, if we do something more from the Federal level, things will improve. Well, they have not.

Now, this is the wrong approach. Why is it the wrong approach? For 20 years, sitting in the minority, I tried to get the former majority to please put your money where your mandate was in special education. If you put your money where your mandate is in special education, do you realize how many millions of dollars extra each year the Member from New York who spoke would get? Let me give my colleagues a good example of what he would get in his district. The York City School District is a district of 49,000 people. The mandate from the Federal level for special education costs that district \$6 million. That is a little city, York City. This gentleman represents 600,000 who would be in that school district. My district, if they would get 40 percent of the excess cost that the majority of years ago promised they would get when they gave them a 100 percent mandate would get an additional \$1 million, an additional \$1 million to reduce class size, an additional \$1 million to construct schools, to remodel schools. The gentleman from New York would get millions of dollars. All they have to do is help us put their money where their mandate was.

As I served in the minority, two-to-one minority, serving on the Committee on the Budget, the gentleman from Michigan (Mr. KILDEE) and I tried in a bipartisan fashion to do something about that. When I became chairman, you were sending them 6 percent of the 40 percent you promised them. In my third year as chairman, we are going to be up to about 11 percent. But that is a long, long way from the 40 percent that you promised. If you got that money to them, as I said before, they can do everything they need to do in remodeling schools and building schools, they can do everything they need, as a matter of fact, to deal with pupil-teacher ratio.

I tried to impress upon the President. If he wants to be known as an education President, and each one seems to want to be known as an education President, I am not quite sure why, but they do, all he has to do if he wants to win the hearts and the minds of all of the constituents in all of our districts is to help us get the funding for special ed that the local school district now has to pay. What did he do in his budget? He cut the appropriation for special education. We worked so hard in 3 years to get from 6 percent to 10 or 11 percent. But we have to get to 40 percent. Then I can look the gentleman from New York in the eye and say, "Here is an extra 5, 6, \$8 million each year your school district will get." If little York will get \$1 million, his district has to get probably \$10 million. I have not run his district yet. I have run many of them.

Let us approach it in the right manner. Let us get the mandate that we have sent from the Federal level, which is special ed; that is the only curriculum mandate. If anybody tells you we sent others, that is not true. But that one curriculum mandate is costing the local school district every opportunity to deal with pupil-teacher ratio, costing that local school district every opportunity to deal with crumbling buildings.

All we have to do, Mr. speaker, is put our money where the mandate was 24 years ago, and the local districts will take care of everything else. Let us not go in an opposite direction until we positively deal with that 40 percent of excess costs, because that local district cannot carry them. States are not helping them. We are not putting our money where our mandate was. And so what do they have to do? They have to take money from every other student, from every other project they want to do to fund the Federal Government mandate.

Please, let us once and for all have an all-out war to pay the 40 percent of excess costs. It was not done when you had a two-to-one majority, I am trying to do it with a slim majority, and that is not easy, but we need to work together to do it. We do not need any other new attempts to handle the problem. We just have to deal with the problem that we created from the Federal level, and then they will take care of everything on the local level.

Mr. RANGEL. Mr. Speaker, I yield myself such time as I may consume. I thank the gentleman and honor and respect the dedication that he has given to the education of our American youth and promise in the future as in the past to try to work more closely with him in a bipartisan manner. I regret that he had so little to say about this legislation before us, but I can understand that, too.

Mr. Speaker, I yield 3 minutes to the gentlewoman from New York (Mrs. LOWEY).

(Mrs. LOWEY asked and was given permission to revise and extend her remarks.)

Mrs. LOWEY. Mr. Speaker, this is not about special ed or school construction. We should be doing both. Yes, education is a priority, should be a priority, and I would hope it could be a bipartisan priority. I rise to support this motion because, Mr. Speaker, schools are crumbling across this country. Classrooms are literally overflowing. Students are learning in hallways, but the leadership of this Congress just sits idly by. Yes, this is the public mandate. It should be a public mandate. We have a responsibility to rebuild our schools and make sure that every youngster has the opportunity to learn.

Last year nearly 120 Members of Congress showed their commitment to America's children by cosponsoring H.R. 1104, the Partnership to Rebuild America's Schools. This session we have a similar proposal led by the gentleman from New York (Mr. RANGEL), the dean of the New York delegation. It is called the Public School Modernization Act. Our program will make interest-free loans available to school districts across the country through the Tax Code. Under the bill, school districts will be able to issue special bonds at no interest to fund the construction or renovation of school buildings. The Federal Government will pay the interest on these bonds through a tax credit to bondholders.

Mr. Speaker, we simply cannot ignore the poor physical condition of our schools any longer. The GAO found that \$112 billion is needed nationwide just to bring our schools into adequate condition. Rural, suburban, urban districts all face serious problems. It is common sense. Children cannot learn in severely overcrowded schools or when classroom walls are falling down around them.

□ 1100

In New York, where the gentleman from New York (Mr. RANGEL) and I come from, a survey in any office conducted found that 25 percent of New York City public schools hold classes in bathrooms, locker rooms, hallways, cafeterias, and storage areas. Almost half of our school buildings have roof, floors, and walls in need of repairs. A report by the New York City Commission on School Facilities revealed the following:

Nearly half of New York City schoolchildren are taught in severely overcrowded classrooms. Two hundred seventy schools need new roofs. Over half of the city's schools are over 55 years old. And approximately one-fourth still have coal-burning boilers.

Congress just passed with overwhelming support \$218 billion to rebuild, maintain our Nation's highways, and I support this investment. But should we not also be investing in the future of our children?

The Republican leadership has time and time again refused to support efforts to rebuild our schools. I urge them to support this motion, and I invite them to come join us. The gentleman from New York (Mr. RANGEL) and I would be delighted to travel around to some of the schools. We brought Secretary Riley and our superintendent of schools, Rudy Crew, to see some of these schools. They tried to wire these buildings. They could not even wire them internally; they had to wire outside. And if we cannot provide this for our children, then what are we doing here?

Mr. ARCHER. Mr. Speaker, I yield myself such time as I may consume, simply to briefly respond to the gentleman. So many things are said on the floor of the House that just are not accurate, and that is unfortunate; probably well-intended, but spoken before adequate thought is given to the accuracy of what is said. Clearly the Republicans worked with the gentleman from New York (Mr. RANGEL) in the tax bill last year to put in a provision that he very strongly wanted to see put in. The Republicans have shown over and over again concern for our schools and quality education.

But the reality is that in this bill, neither the House bill nor the Senate bill has the proposal that has been supported on the floor today by the Democrats relative to an incentive to build more schools. It is not in either bill. It is not within the scope of conference; and yet the gentleman from New York's motion to instruct says that whatever we have to do must be within the scope of conference.

So clearly this motion is without any effectiveness in reality, but it has given them a basis to speak about something that they strongly believe in, and that is part of democracy. But we should not be given any illusion that there is any way that effectively this can be done in this bill.

Mr. Speaker, I reserve the balance of my time.

Mr. RANGEL. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, with all due respect, if this bill is going to be vetoed, then whatever we are saying is mute, and we can depend on the veto. By the same token, it is not unusual to waive points of order, and the conferees can do what they think is in the best interests of the Congress and the country, and to that extent I am willing to work with the gentleman and work out these differences of opinion.

Mr. Speaker, I yield 1 minute to the gentleman from Connecticut (Mrs. KENNELLY).

Mrs. KENNELLY of Connecticut. Mr. Speaker, what the ranking member just said is the reason I rise in support of the motion to instruct. As this bill stands right now, it becomes an empty gesture because the President has already said he will veto it.

So, Mr. Speaker, if my colleagues really want to do something about the state of education in America today, they will vote for the motion to instruct.

The President has a very good reason why he is vetoing this bill: because it will spend virtually billions of dollars and end up not doing anything. The Joint Committee on Taxation tells us that if the provisions were converted to a tax credit for all taxpayers with children to qualify for educational expenses, the credit would be \$15 per child.

Mr. Speaker, that is 15 hard-earned honest dollars, but we really know that that is not going to make much of a difference in the education of a child in today's world. The same money could be used to provide \$7.2 billion in interest-free funds for school construction.

Mr. Speaker, I stand here today because my State of Connecticut desperately needs school construction money, so I urge my colleagues to support this motion to instruct and get on with doing what we have to do to make education better in these United States.

Mr. ARCHER. Mr. Speaker, I reserve the balance of my time.

Mr. RANGEL. Mr. Speaker, I yield 2 minutes to the gentleman from the State of North Carolina (Mr. ETHERIDGE), an outstanding educator who brings a great contribution in this area.

Mr. ETHERIDGE. Mr. Speaker, I thank the ranking member for allowing me this time.

Mr. Speaker, I rise in support of this motion to instruct. As a former State superintendent of my schools in North Carolina, I call on this House to reject the Coverdell voucher bill and instead invest the very precious resources that we have to help our States and communities build schools. At this very moment across America, 52 million children are attending classes. For too many of these children, their class is taking place in a trailer, in a closet, in an overstuffed or rundown classroom, and as we have already heard, yes, even in bathrooms.

Mr. Speaker, no student in America should be forced to attend classes in a substandard facility. No teacher should have to struggle to teach in these kind of facilities, nor in an unsafe and undisciplined environment. And no parent should be forced to condemn their children to these kind of facilities. And they should not have schools that are trailers.

We have heard talk about special interests. Special interest is about young

people that are here in the galleries today. They cannot get on this floor and speak for themselves; we must do it, and it is time that we did something about it. Instead of doing something for a few, we ought to do it for many and all of our children.

For the past few weeks, I have toured schools all across my district. I met with parents, I met with children, I met with teachers and community leaders, and not a one of them have asked me where the money was coming from. They were just grateful to know there might be resources to make sure that they had quality schools for their children.

And I drafted legislation, with many of my colleagues joining, to make sure that growth States get an opportunity to have the quality facility that every child in America ought to have. And I am here to tell my colleagues that quality facilities will translate into quality education and make a difference for every child in America. We have an opportunity to do it, and the bill that I drafted will provide \$436 million for the State of Florida, \$840 million for the State of Texas, and \$2.3 billion for the State of California.

I urge my colleagues to vote for this motion to instruct.

Mr. ARCHER. Mr. Speaker, I yield myself such time as I may consume to respond.

Mr. Speaker, once again, I mean, this is a broken record. The gentleman should be well aware that under the rules of the House, what he just said can never happen in this bill. It is not in the House bill, it is not in the Senate bill, it is not within the scope of conference and cannot comply with the motion to instruct. Nor is it offset, as required under the pay-go provisions of the Budget Act.

So the Members from the other side can keep speaking to this issue, and that is fine, they are entitled to speak. But the other Members of the House should be made aware that it all is going to come to naught; it cannot happen in this bill.

Mr. Speaker, I reserve the balance of my time.

Mr. RANGEL. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, we think it is very important that we point out that in this bill before the House, there is not one nickel there for the public school system, and in the motion to recommit is an opportunity to have tax-free bonds there to rebuild our schools.

Mr. Speaker, I yield 2 minutes to the gentleman from New York (Mr. HINCHEY).

Mr. HINCHEY. Mr. Speaker, I rise to say a few words in support of the motion to instruct, and in spite of what has been said by the sponsor of the bill in chief, I think that it is very appropriate for us to be talking about the need for funding for modernization of our schools and construction of new schools. I do not question the motivation of the sponsor of the bill, but the

fact of the matter is that he is ignoring the primary need of education in our country.

More than 90 percent of our students attend the public schools. Two-thirds of schools across this country, and it is true in New York, two-thirds of the schools are in need of major repair or rehabilitation or rebuilding. In the district that I represent in New York, 60 percent of the schools are in such need.

Every day, children from kindergarten through the 12th grade are walking into schools where the paint is falling off the walls, the ceiling is falling in in some instances, lavatories are not working, chalkboards are so old that they cannot accept the chalk from the teacher. These schools are in bad need of rehabilitation.

Mr. Speaker, when a child walks into a school like that day after day, week after week, they begin to get the message, and the message is we do not care about them. And pretty soon they ask themselves, why should I care about them? That is why there are 1.7 million people in prison in this country; one of the reasons at least.

We need to pay attention to our schools. This country was built on the idea of free elementary and secondary education. We pioneered that idea. We were the first country in the world to invent that idea. We are falling far behind in educating our elementary and secondary schoolchildren, and one of the reasons is that our school buildings are falling apart.

Mr. Speaker, they cannot accept wiring for the Internet they are so old. Our kids cannot take advantage of new technology because the building that they are going to school in cannot accept the wiring for the Internet.

This is a scandal. The bill does nothing to deal with this problem; the motion to instruct does. We need to pay attention to our public schools.

Mr. ARCHER. Mr. Speaker, I reserve the balance of my time.

Mr. RANGEL. Mr. Speaker, is the gentleman from Texas (Mr. ARCHER) certain nobody wants to speak on this on the other side this time?

Mr. Speaker, I yield 2 minutes to the gentleman from the sovereign State of Georgia (Mr. LEWIS), the deputy minority whip.

Mr. LEWIS of Georgia. Mr. Speaker, I want to thank my friend and colleague, the gentleman from New York (Mr. RANGEL) for yielding this time to me.

Mr. Speaker, so-called private savings accounts do nothing to improve our public schools. They are a way of using the Federal Tax Code to undermine public education. Private saving accounts drain resources from our public schools and hurt the vast majority of our students.

Our public schools need help. One out of every 3 schools need major repair and reconstruction; 90 percent of our students attend public schools; private savings accounts do nothing to help these students. Instead they deny the many and reward the privileged few.

Instead of draining our public schools of resources, we should be devoting our resources to improve public schools for every student.

In the words of Thomas Jefferson, education is the foundation of our democracy. Education is the great equalizer.

I urge all of my colleagues to vote yes on the motion to instruct offered by the gentleman from New York (Mr. RANGEL). Vote for school construction and modernization. Repair our crumbling school buildings. Support an education system in America that all of our Nation's children can use.

Mr. RANGEL. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from California (Ms. ROYBAL-ALLARD).

Ms. ROYBAL-ALLARD. Mr. Speaker, I rise in strong support of the motion to instruct offered by the gentleman from New York (Mr. RANGEL).

Mr. Speaker, it is unconscionable that this body has agreed to spend \$1.6 billion over 10 years to help children to attend private schools when thousands of our public schoolchildren are trying to learn in schools that are overcrowded and in desperate need of repair. We should be spending this money where it is truly needed, to repair and to rebuild our public schools.

The need for new schools is staggering. We currently have the highest number of students in the history of this country, and according to the Department of Education, enrollment will continue to grow at a considerable rate for the next 10 years.

□ 1115

In order to keep pace with this growth, we will need to build 6,000 new schools over the next 10 years just to maintain current class size.

Further, many of our existing schools are in desperate need of repair. According to a 1998 report by the American Society of Civil Engineers, United States schools are in worse shape than any other part of our Nation's infrastructure, including roads, bridges and mass transit.

Studies have produced strong evidence of the link between academic achievement and the condition of our schools. Leaky roofs, buildings in disrepair, and overcrowded classrooms are not merely annoyances or inconveniences; they are barriers to learning, and this is simply not acceptable.

As the new millennium approaches, it is more important than ever to ensure that our children have safe, modern physicians in which they can acquire the education necessary to compete in our high-tech economy. This vote is a small step to help our schools accomplish this goal. I urge my colleagues to vote in favor of the Rangel motion to instruct.

Mr. ARCHER. Mr. Speaker, I yield myself such time as I may consume simply to again correct the gentleman as to the factual content of her statement. There is nothing in this bill

that sends money to private schools in this country, and they can say it as often as they wish.

She said, we should not be sending Federal dollars to private schools. Nothing in this bill does that. This bill gives an incentive to parents to save for their children's education. That is all it does. If a parent elects to send their child to a public school, they can use this money for innumerable efforts to improve their child's chance to get a better education in a public school. For tutors, for extra books, for computer equipment, for special help for the special needs of a disabled child going to a public school.

That is what this bill does. So I regret that there is so much misinformation that has been put in the record today about what this bill does not do.

Mr. Speaker, I reserve the balance of my time.

Mr. RANGEL. Mr. Speaker, I yield myself 1 minute.

It is true that there is no direct benefit to the private school as a result of this, but it does take away from revenues as a result of the tax credit that can be used by parents who do send their children to private school. And while it is not much individually, collectively, with all of the people that gain the benefit that never asked for it, it runs into billions of dollars.

This money could be used for taxi cabs, for private cars, for baby-sitters, for relatives who come in, anything one wants to use it for. Talk about simplifying the Tax Code. This thing ought to be pulled up by its roots, because it allows for anybody with a little imagination that sends their kid to private school to deduct anything that they can think of without a disability for the kid. Books, any kind of books. There is not going to be any audit as to what was done.

Mr. Speaker, I yield 2 minutes to the gentleman from Massachusetts, (Mr. TIERNEY).

Mr. TIERNEY. Mr. Speaker, I thank the gentleman from New York (Mr. RANGEL), for yielding me this time.

Let me just simply say, Mr. Speaker, that it is clear that this bill provides an opportunity for people who have this tax credit to use that money not only for private school, but for other matters also. But the fact remains, private schools will see the benefit of this money, and families that are already able to send their children to private schools will be able to use it for that.

As the gentleman says, the individual benefit is almost minuscule, \$7 to \$37. The fact is, the aggregate amount is going to be deferred for the use of public schools. As public officials, we have the responsibility to use tax money for the public benefit for the largest amount of people possible. Ninety percent of this Nation's children go to public schools. That is how we ought to use the money.

Time and again I hear people take the floor, deploring the conditions in some of our public schools, wishing

that they were as good as the very good public schools that we do have out there. If we were to spend some of that money on the condition of those schools, the rehabilitation and the reconstruction of these schools, we would be moving in that direction.

Why are we talking about something else when we should be talking about making it possible for every child to go to school in an environment where they can learn? Some of the public schools have been neglected, and people here would not send their children, would not go to work in a building like that. The fact of the matter is, when I go out to the schools in my district, and I visit several every week, the mayors and the school committee people, the councilmen and the selectpeople say, can the Federal Government not do something to help us with the huge construction costs for the rehabilitation and reconstruction of our schools? The answer is yes, we can, if we have the will. Unfortunately, the majority does not have the will to do that.

Mr. ARCHER. Mr. Speaker, I am compelled again to yield myself such time as I may consume to respond to the gentleman's emotional statement to the House, and to say that there is a time and a place to debate this issue. This bill is not the time or the place.

This motion to instruct cannot be implemented within the rules of the scope of conference, and yet the motion to instruct, by its own terms, says that it must live within the rules of the scope of conference. So all of the emotion, all of the debate on this issue should be saved for another time when this issue is truly before the House of Representatives and would be appropriate at that time.

Mr. Speaker, I reserve the balance of my time.

Mr. RANGEL. Mr. Speaker, how much time do we have remaining on this side?

The SPEAKER pro tempore (Mr. DUNCAN). The gentleman from New York (Mr. RANGEL), has 7 minutes remaining; the gentleman from Texas (Mr. ARCHER) has 14 minutes remaining.

Mr. RANGEL. Mr. Speaker, it is my understanding that there are not going to be any other speakers on the other side of the aisle, and I would like to close the debate, if there is not going to be another speaker. Is there?

Mr. ARCHER. Mr. Speaker, I would say to the gentleman, unless there are more nonfactual comments made from his side, there is no need for any further discussion on my side.

Mr. RANGEL. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, it would seem to me that under the rules of the House that if we did receive overwhelming support for the motion to instruct, and since the gentleman and I have worked so closely together in the past, we could waive the points of order and adopt what is in the motion to instruct and get on with the people's business.

Mr. ARCHER. Mr. Speaker, will the gentleman yield?

Mr. RANGEL. I yield to the gentleman from Texas.

Mr. ARCHER. Mr. Speaker, as I read the gentleman's motion to instruct, it says that whatever is accomplished must be accomplished within the scope of the conference, and I think the gentleman is aware that that cannot occur irrespective of how strongly we might wish to work together.

So a motion to instruct would be nonoperative, no matter what comity, and that is spelled C-O-M-I-T-Y, might exist between the gentleman and the chairman in the conference committee.

Mr. RANGEL. Well, Mr. Speaker, the chairman well knows that there was a time that both the gentleman and I thought that we could not accomplish things in conference that we were able to do. While it is true that we had to look at a potential veto that the President had in the last tax bill, nevertheless it motivated us to do things we never thought we would be able to accomplish, and I think the same situation exists here today.

Mr. ARCHER. Mr. Speaker, if the gentleman would yield further, I just would reiterate that the motion to instruct, by its own terms, would prevent us from being able to do what the gentleman would like.

I thank the gentleman for giving me an opportunity to have this exchange with him.

Mr. RANGEL. Mr. Speaker, I appreciate the feeling of the chairman, and I know the gentleman would want to improve the legislation if he felt that he could, and I think if we can see that the House would work its will, that we could do something.

Meanwhile, Mr. Speaker, I yield the remainder of my time to the gentleman from Michigan (Mr. BONIOR), the minority whip, to close the debate on this very important bill, and especially to support the motion to instruct.

Mr. BONIOR. Mr. Speaker, I thank the gentleman from New York (Mr. RANGEL), my dear friend.

Let me just begin my remarks by suggesting to my friend from Texas (Mr. ARCHER), for whom I have a deep amount of respect and with whom I have enjoyed serving here for many, many years, that as a former member of the Committee on Rules, someone who is on sabbatical from the Committee on Rules, I can assure him, and he knows this already, and I can assure all those who are listening, that we can do almost anything we want in conference around here with the proper amount of will and desire.

Secondly, the other point I want to suggest here is that it is always time to talk about education in this body. There is no more important issue that we can engage in on the floor of this House than education and the future of our children who are our most precious resources.

As parents, we need to take responsibility for their education. We need to

take the time to read to them, help them with their homework, to work with their teachers, to get involved in their schools and in their communities, and the overwhelming majority of these schools are public schools. In fact, nine out of ten children in America attend public schools, and it is the quality of these public schools today that will determine the strength and the prosperity of our Nation tomorrow. We cannot forget that. We can never forget that nine out of ten of our children go to the public schools.

That is why we on our side of the aisle believe we must renew and deepen, as often as we can, our commitment to public schools by reducing class size, by improving discipline, which is key, it is key to everything in life, but it is certainly key to education, and by investing in the technologies, the new classroom technologies that are opening up vistas and horizons for our students to prepare them for the challenges of this next century.

Now, Mr. Speaker, studies show that children learn better in smaller classes, and that their success in the classroom at an early age can have a direct impact on their economic success later in life. We have an obligation to offer them all the educational opportunities that we possibly can so that they can reach the potential and achieve their own dreams.

Now, reducing class size and modernizing our schools should be one of our top priorities. We all know what a terrible message we send our children if they go to a school where the plaster is falling in, the roof is leaking, where the toilets do not work in the lavatories, where there are not enough facilities to do the work that is necessary in the school, there are not enough supplies. We also understand that in this modern age that we are living in, this swift technology age that we are living in, it is important that we make the investments that we can in our future for the education of our children.

But quality instruction, safe classrooms, challenging course work and universal Internet access is not going to happen if we just wish it is going to happen. It is only going to happen if we make it a priority, our number one priority in this Congress, and send the message not only from this body, but to the local and State levels, that this is where we want our resources invested. It will take a determined commitment from all of us, parents, legislators, teachers, business community to make this happen. That is why I am happy to stand here late this morning with my dear friend from New York (Mr. RANGEL).

I am confident we can and will make it happen. Our children's education and America's economic future depend on our public schools, depend on our public schools. They put a premium, our public schools should put a premium on excellence.

So today we have an opportunity to promote such excellence by reducing class size, by making sure that we have the discipline that is important in our schools, and by modernizing our schools, getting them up to code, getting them up to standard, making sure they are wired so our children have access to the greatest opportunities that are out there in their learning experience.

Vote for the Rangel motion to modernize our schools.

Mr. HINOJOSA. Mr. Speaker, I rise today in support of the motion to instruct conferees offered by my colleague CHARLES RANGEL to the Private School Expense Act, H.R. 2646. I do so for the very simple reason that to support his motion makes good sense. By supporting his motion we are saying we support funding for school modernization and construction. Quite honestly, I do not see how anyone in good conscience could oppose this.

I am someone who believes that the quality of our public school facilities reflects the value that we place on our children and their education. In my state, Texas, high school enrollment alone is projected to experience a 19% increase over the next decade. Given this significant increase in the student population, we, in Congress, must jump-start efforts at the local level to repair and modernize school structures.

A February 1995 General Accounting Office (GAO) report entitled *School Facilities: Condition of America's Schools* estimated that it would cost about \$112 billion in capital improvements to restore America's multi-billion dollar investment in schools to good overall condition. This same report expresses continuing concerns about the ability of schools to provide adequate instructional programs with inadequate buildings and equipment.

Building and renovating public schools must be a national priority. We can't expect young minds to develop into great minds unless we provide them with good school infrastructure. Leaky roofs, busted pipes, non-functioning restroom facilities, lack of cafeteria access, etc., leave our children with a sense of hopelessness. We need to lift our children up in mind and body, and encourage them to be the best that they can be. We can do so by ensuring that the school buildings they enter every weekday of the year meet the same exacting standards as our own workplace environments.

Mr. Speaker, I support the Rangel motion to instruct and I encourage my colleagues do likewise.

□ 1130

Mr. ARCHER. Mr. Speaker, as I understand it, the gentleman from New York (Mr. RANGEL) has yielded back the balance of his time and although there is much that I would like to say, in accordance with the spirit that exists between us, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. DUNCAN). All time has expired.

Without objection, the previous question is ordered on the motion to instruct.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to instruct

offered by the gentleman from New York (Mr. RANGEL).

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. ARCHER. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 192, nays 222, not voting 18, as follows:

[Roll No. 136]

YEAS—192

Abercrombie	Hall (OH)	Neal
Ackerman	Hamilton	Oberstar
Allen	Harman	Obey
Andrews	Hilliard	Olver
Baldacci	Hinchev	Ortiz
Barcia	Hinojosa	Owens
Barrett (WI)	Holden	Pallone
Becerra	Hoolley	Pascarell
Bentsen	Hoyer	Pastor
Berman	Jackson (IL)	Payne
Berry	Jackson-Lee	Pelosi
Bishop	(TX)	Pickett
Blagojevich	Jefferson	Pomeroy
Blumenauer	John	Poshard
Bonior	Johnson (WI)	Price (NC)
Borski	Johnson, E. B.	Rahall
Boswell	Kanjorski	Rangel
Boucher	Kaptur	Reyes
Brown (CA)	Kennedy (MA)	Rivers
Brown (FL)	Kennedy (RI)	Rodriguez
Brown (OH)	Kennelly	Roemer
Capps	Kildee	Rothman
Cardin	Kilpatrick	Roybal-Allard
Carson	Kind (WI)	Rush
Clay	Klink	Sanchez
Clayton	Kucinich	Sanders
Clement	LaFalce	Sandlin
Clyburn	Lampson	Sawyer
Condit	Lantos	Schumer
Conyers	Leach	Scott
Costello	Lee	Serrano
Coyne	Lewis	Sherman
Cramer	Lewis (GA)	Sisisky
Cummings	Lipinski	Skelton
Danner	Lofgren	Slaughter
Davis (FL)	Lowey	Smith, Adam
Davis (IL)	Luther	Snyder
DeFazio	Maloney (CT)	Spratt
DeGette	Maloney (NY)	Stabenow
Delahunt	Manton	Stark
DeLauro	Markey	Stenholm
Deutsch	Martinez	Stokes
Dicks	Mascara	Strickland
Dingell	Matsui	Tanner
Doggett	McCarthy (MO)	Thompson
Dooley	McCarthy (NY)	Thurman
Edwards	McDermott	Tierney
Engel	McGovern	Torres
Eshoo	McIntyre	Towns
Etheridge	McKinney	Traficant
Evans	Meehan	Turner
Farr	Meek (FL)	Velazquez
Fattah	Meeks (NY)	Vento
Fazio	Menendez	Visclosky
Filner	Millender	Waters
Forbes	McDonald	Watt (NC)
Ford	Miller (CA)	Waxman
Frank (MA)	Minge	Weller
Furse	Mink	Wexler
Gejdenson	Moakley	Weygand
Gilman	Mollohan	Wise
Goode	Moran (VA)	Woolsey
Gordon	Morella	Wynn
Green	Murtha	Yates
Gutierrez	Nadler	

NAYS—222

Aderholt	Barrett (NE)	Bliley
Archer	Bartlett	Blunt
Army	Barton	Boehlert
Bachus	Bass	Boehner
Baker	Bereuter	Bonilla
Ballenger	Bilbray	Bono
Barr	Bilirakis	Boyd

Brady	Hefley	Pickering
Bryant	Herger	Pitts
Bunning	Hill	Pombo
Burr	Hilleary	Porter
Burton	Hobson	Portman
Buyer	Hoekstra	Pryce (OH)
Callahan	Horn	Quinn
Calvert	Hostettler	Ramstad
Camp	Houghton	Redmond
Campbell	Hulshof	Regula
Canady	Hunter	Riggs
Cannon	Hutchinson	Riley
Castle	Hyde	Rogan
Chabot	Inglis	Rogers
Chambliss	Istook	Rohrabacher
Chenoweth	Jenkins	Ros-Lehtinen
Coble	Johnson (CT)	Roukema
Coburn	Johnson, Sam	Royce
Collins	Jones	Ryun
Combest	Kasich	Sabo
Cook	Kelly	Salmon
Cooksey	Kim	Sanford
Cox	King (NY)	Saxton
Crane	Kingston	Scarborough
Crapo	Klecza	Schaffer, Bob
Cubin	Klug	Sensenbrenner
Cunningham	Knollenberg	Sessions
Davis (VA)	Kolbe	Shadegg
Deal	LaHood	Shaw
DeLay	Largent	Shays
Diaz-Balart	Latham	Shimkus
Dickey	LaTourette	Shuster
Doolittle	Lazio	Skeen
Dreier	Lewis (CA)	Smith (MI)
Duncan	Lewis (KY)	Smith (NJ)
Ehlers	Linder	Smith (OR)
Ehrlich	Livingston	Smith (TX)
Emerson	LoBiondo	Smith, Linda
English	Lucas	Snowbarger
Ensign	Manzullo	Solomon
Everett	McCollum	Souder
Ewing	McCrery	Spence
Fawell	McDade	Stearns
Foley	McHale	Stump
Fossella	McHugh	Sununu
Fowler	McInnis	Talent
Fox	McIntosh	Tauscher
Franks (NJ)	McKeon	Tauzin
Frelinghuysen	Metcalfe	Taylor (MS)
Galleghy	Mica	Taylor (NC)
Ganske	Miller (FL)	Thomas
Gekas	Moran (KS)	Thornberry
Gibbons	Myrick	Thune
Gilchrest	Nethercutt	Tiahrt
Gillmor	Ney	Upton
Goodlatte	Northup	Walsh
Goodling	Norwood	Wamp
Goss	Nussle	Watkins
Graham	Oxley	Watts (OK)
Granger	Packard	Weldon (FL)
Greenwood	Pappas	Weldon (PA)
Gutknecht	Paul	White
Hall (TX)	Paxon	Whitfield
Hansen	Pease	Wicker
Hastert	Peterson (MN)	Wolf
Hastings (WA)	Peterson (PA)	Young (AK)
Hayworth	Petri	Young (FL)

NOT VOTING—18

Baesler	Frost	Neumann
Bateman	Gephardt	Parker
Christensen	Gonzalez	Radanovich
Dixon	Hastings (FL)	Schaefer, Dan
Doyle	Hefner	Skaggs
Dunn	McNulty	Stupak

□ 1151

The Clerk announced the following pairs:

Mrs. CUBIN changed her vote from "yea" to "nay."

Mr. LIPINSKI and Mr. WELLER changed their vote from "nay" to "yea."

So the motion was rejected.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore (Mr. DUNCAN). Without objection, the Chair appoints the following conferees:

For consideration of the House bill and Senate amendment and modifications committed to conference:

Messrs. ARCHER; GOODLING; ARMEY; RANGEL; and CLAY.

There was no objection.

INTELLIGENCE AUTHORIZATION
ACT FOR FISCAL YEAR 1999

Mr. GOSS. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 420 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 420

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 1(b) of rule XXIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 3694) to authorize appropriations for fiscal year 1999 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes. The first reading of the bill shall be dispensed with. Points of order against consideration of the bill for failure to comply with clause 2(l)(6) of rule XI are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Permanent Select Committee on Intelligence. After general debate the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Permanent Select Committee on Intelligence now printed in the bill, modified by striking section 401 (and redesignating succeeding sections accordingly). That amendment in the nature of a substitute shall be considered by title rather than by section. Each title shall be considered as read. Points of order against that amendment in the nature of a substitute for failure to comply with clause 7 of rule XVI or clause 5(b) of rule XXI are waived. No amendment to that amendment in the nature of a substitute shall be in order unless printed in the portion of the Congressional Record designated for that purpose in clause 6 of rule XXIII. Printed amendments shall be considered as read. The chairman of the Committee of the Whole may: (1) postpone until a time during further consideration in the Committee of the Whole a request for a recorded vote on any amendment; and (2) reduce to five minutes the minimum time for electronic voting on any postponed question that follows another electronic vote without intervening business, provided that the minimum time for electronic voting on the first in any series of questions shall be 15 minutes. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or the amendment in the nature of a substitute made in order as original text. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER pro tempore. The gentleman from Florida (Mr. GOSS) is recognized for 1 hour.

Mr. GOSS. Mr. Speaker, for the purposes of debate only, I yield the customary 30 minutes to my friend, the gentlewoman from New York (Ms. SLAUGHTER), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

Mr. Speaker, H. Res. 420 is a modified open rule providing for the consideration of H.R. 3694, the Fiscal Year 1999 Intelligence Authorization Act. What makes this rule modified open instead of fully open is a preprinting requirement for amendments, whose purpose is to ensure that the Permanent Select Committee on Intelligence has an opportunity to work with Members seeking to offer germane amendments to ensure that important issues are addressed without threatening disclosure of sensitive, classified information. This preprinting requirement has become standard procedure for consideration of the annual intelligence authorization and has not been controversial.

Because the leadership sought to have this bill on the floor today, the rule also includes a waiver of points of order against the consideration of the bill for failure to comply with the clause 2(1)(6) of rule XI, which requires a three-day layover of a committee report.

The committee's report was properly filed on Tuesday of this week, and Members have had notice of availability of classified portions of the authorization measure since late last week when public announcements were, indeed, made from the floor.

It is my understanding that there is no objection to this slight speeding up of the schedule to accommodate changes stemming from the unrelated scheduling matters and to accommodate Members' travel plans.

The rule provides for 1 hour of general debate on the bill, time equally divided between the chairman and ranking member of the Permanent Select Committee on Intelligence.

In addition, the rule makes in order as an original bill for the purpose of an amendment the committee amendment in the nature of a substitute now printed in the bill, modified by striking section 401 of the bill.

That modification, a self-executing change accomplished through the rule, is designed to address a Budget Act technicality relating to a provision of the bill extending the early-out retirement program for the CIA.

We were advised that, due to the fact that we still await this year's budget resolution, the early-out provision found in title IV of the bill causes a Budget Act problem, and so the provision is being removed from the bill with the understanding that the substance of the issue will be addressed at a later stage of legislative process of H.R. 3694.

□ 1200

The rule further provides that the amendment in the nature of a sub-

stitute shall be considered by title and that each title shall be considered as read.

The rule also waives points of order against the committee amendment for failure to comply with clause 7 of rule XVI prohibiting nongermane amendments or clause 5(b) of rule XXI, prohibiting tax or tariff provisions in a bill not reported by a committee with jurisdiction over revenue measures. Both of these waivers apply to a section of H.R. 3694 regarding the application of sanctions laws to intelligence activities in title III of the bill. That provision is nongermane to the introduced version of H.R. 3694, and it deals with subject matter falling within the jurisdiction of the Committee on Ways and Means.

Based on an exchange of letters between the two committees, there is no controversy on this matter. However, these waivers are necessary under the rules of the House. And during general debate, I will introduce into the RECORD that correspondence between the two committees.

I would also point out for the record the Committee on National Security has, by letter, discharged itself from consideration of the matters in this bill that fall within its purview.

Mr. Speaker, the rule permits the Chairman of the Committee of the Whole to postpone the vote on any amendment and reduce voting time to 5 minutes on any series of questions provided that the first vote shall not be less than 15 minutes.

Finally, the rule provides for the traditional motion to recommit with or without instructions.

Mr. Speaker, that was a long explanation of a rule that is, in fact, straightforward, simple, and traditional for this piece of legislation. I know of no controversy about this rule. I urge Members to support this rule.

Mr. Speaker, I reserve the balance of my time.

Ms. SLAUGHTER. Mr. Speaker, I thank the gentleman from Florida for yielding to me the customary 30 minutes, and I yield myself such time as I may consume.

(Ms. SLAUGHTER asked and was given permission to revise and extend her remarks.)

Ms. SLAUGHTER. Mr. Speaker, I do not oppose this rule. It allows amendments that are germane to be offered. However, H. Res. 420 does include one waiver of a House rule that troubles me. The rule waives clause 2(L)(6) of rule XI that provides for a 3-day layover of the committee report accompanying the bill.

This House rule allows Members time to study the report and decide whether they would like to offer or support amendments. The 3-day opportunity to study the bill and report is particularly important in this case because many provisions of the intelligence bills are classified and, if a Member wishes to review those portions, a Member must make arrangements with the Perma-

nent Select Committee on Intelligence. To cut short the standard review time under these circumstances is unfortunate.

And while I understand that the majority and the minority on the Permanent Select Committee on Intelligence had no objection to the waiver, we should note that it is not the committee's rights but the rights of Members not on the committee that the House rule is designed to protect.

The gentleman from Florida (Mr. GOSS), the chairman of the committee, is to be commended for avoiding the need for waiver of the Budget Act by self-executing in this rule an amendment striking the offending section of the bill.

The Permanent Select Committee on Intelligence also worked with the Committee on Ways and Means to gain its acquiescence to a violation of a House rule designed to protect the jurisdiction of the Committee on Ways and Means.

While I often question the need for a requirement for preprinting in the CONGRESSIONAL RECORD, the sensitivity and the complexity of the intelligence authorization bill justifies the requirement in this case. Mr. Speaker, this rule allows the full House to consider germane amendments offered by any Member. Under the rule, the House will be able to debate important questions, such as whether to reduce the overall size of the intelligence budget.

Mr. Speaker, I yield 3 minutes to the gentleman from Vermont (Mr. SANDERS).

Mr. SANDERS. Mr. Speaker, I thank the gentlewoman for yielding me this time, and I rise in support of the rule.

I think it is a fair rule. Among other things, it, in fact, allows this Congress to begin debating major priorities as to whether or not we are going to increase spending for the intelligence budget, despite the end of the Cold War and despite the fact that while we increase funding for the intelligence budget, we have cut spending in Medicare for our senior citizens, cut spending for veterans' programs, cut spending in a dozen different areas that the middle-class and low-income people of this country need.

So I applaud the chairman for bringing forth this rule. It is a fair rule and it is going to allow us to have a serious debate on what we want this Congress to be doing for the American people.

Ms. SLAUGHTER. Mr. Speaker, I yield back the balance of my time.

Mr. GOSS. Mr. Speaker, I yield myself such time as I may consume to address the concerns of the gentlewoman from New York about the notice given and accommodating Members' schedules today.

I am happy to report that several Members did take advantage of the opportunity to come to the Permanent Select Committee on Intelligence and participate in review of materials that were of interest to them. So I think the

word has gotten out and I think we have done our job properly.

Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore (Mr. DUNCAN). Pursuant to House Resolution 420 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 3694.

□ 1205

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 3694) to authorize appropriations for fiscal year 1999 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes, with (Mr. THORNBERRY) in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered as having been read the first time.

Under the rule, the gentleman from Florida (Mr. GOSS) and the gentleman from Washington (Mr. DICKS) each will control 30 minutes.

The Chair recognizes the gentleman from Florida (Mr. GOSS).

Mr. GOSS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I am pleased to bring the fiscal year 1999 intelligence authorization to the floor today. As a strong believer in the congressional oversight process, I hope Members have taken the opportunity to examine this year's bill, including its classified annex and, indeed, I know several Members have come upstairs to do just that.

The annual intelligence authorization, and its exhaustive review of intelligence activities and capabilities that accompanies it, form the cornerstone of our oversight process. This is truly a valuable exercise for the Permanent Select Committee on Intelligence, for Congress as a whole, and I think it is beneficial to the intelligence community as well.

I want to take this opportunity to thank the members and staff of the Permanent Select Committee on Intelligence from both sides of the aisle whose hard work and long hours have enabled us to produce a responsible, nonpartisan bill that was unanimously approved in committee.

I would also like to thank the gentleman from South Carolina (Mr. FLOYD SPENCE), chairman of the Committee on National Security, and the gentleman from Florida (Mr. BILL YOUNG), chairman of the Subcommittee on National Security of the Committee on Appropriations, for their

input and able assistance with this legislation.

H.R. 3694 authorizes funds for the fiscal year 1999 intelligence and intelligence-related activities of the United States Government. That is a big order. The National Security Act requires Congress specifically to authorize all intelligence spending. That is unique.

As Members are aware, many of the details of the intelligence budget are classified, including the total fiscal year 1999 budget request, or top line. I can say, however, that H.R. 3694's top line is substantially in line with the President's request. The committee came in a mere one-tenth of 1 percent above the President's level.

I would like to take a moment to explain the process by which the committee arrived at this recommended spending level. What we did not do was adopt an arbitrary number and fill in the blanks until we reached our goal. Instead, the Permanent Select Committee on Intelligence looked at each line of every program, examined its effectiveness and how it fit in with the overall U.S. intelligence requirements and priorities in today's world. Then we made our decisions based on the merit and value of each program.

Mr. Chairman, throughout the committee's review of U.S. intelligence capabilities, whether we were looking at satellite reconnaissance or human intelligence, one fact stood out. The threats that face our Nation demand that the intelligence community maintain a worldwide vigilance and the resources to deal with a multitude of challenges and new challenges.

The Cold War is over and the threat of nuclear war has been reduced. Or has it? Unfortunately, the world still is a dangerous place for the United States and its citizens, as we read in papers almost daily about concerns about political stability in places like Russia, the chain of command in Russia over the nuclear weapons, or perhaps even the Chinese intercontinental ballistic missiles which we read in the newspapers are targeted against U.S. cities, what they call city-buster bombs and an ICBM capability.

To demonstrate this, we need look no further than our continuing struggles with Iraq. Earlier this year the United States came to the brink of military confrontation with Saddam Hussein; yet we did so without all of the information necessary to support a serious campaign. There were serious shortfalls in our ability to support policymakers and military commanders at this critical time. Such gaps endanger U.S. lives and interests and are not acceptable, tolerable, or necessary in today's world.

We should not ignore Iraq or Iran or Libya or North Korea or other rogue nations that are striving for and, in many cases achieving, the means to threaten the United States. The risk that a terrorist group or a rogue country will use a chemical, biological, or

nuclear weapon against the U.S. or an American citizen or American interests here or abroad is increasing. Despite this fact, U.S. intelligence capabilities have dwindled since the end of the Cold War. In effect, we are asking the intelligence community for more and we are giving them less to do it. And we are counting on them more.

The intelligence community needs to change the way it does business to address these new threats. This year's authorization identifies five areas that deserve particular attention.

One, our signals intelligence capabilities are in serious need of modernization to keep up with the fast pace of communications and technology improvement. I think it is fair to say that the golden days of SIGINT may, in fact, be behind us, and we have been enjoying the benefits of a very good SIGINT activity for many years. That may be over because of technology. We need to deal with that.

Two, our clandestine espionage, or human intelligence as it is called, that infrastructure needs to be rebuilt and refocused on current priorities. It is fair to say, I think, that the cupboard is nearly bare in the area of HUMINT. We are badly outnumbered by hostiles in a lot of dangerous places in the world. That is intolerable, unacceptable, and unnecessary.

The intelligence community needs to increase its analytical capability in order to absorb and accurately gauge the immediate and long-term implications of an ever-increasing volume of information. We have stuff on hand we have not reviewed. We have not exploited it. And it is stuff that would be useful to our decision-makers. We do not have as much analytical capacity as we need. That can be fixed.

Covert action capabilities need to be restructured. I said capabilities. Nobody is calling for covert action. We are calling for more arrows in the quiver in case we do need it to suit the needs of today's world and how to deal with problems we come against.

Fifth, and last, we need to ensure we maintain an active research and development program in all intelligence areas.

H.R. 3694 addresses each of these priorities, in some cases by providing additional funding; in others by redirecting existing programs, resources, or restructuring ongoing programs.

In addition, the committee's review raised some fundamental questions that the committee will review over the coming year. These include, what are the proper priorities for our future overheads systems? How can we manage the cost of a national reconnaissance program and yet meet other critical requirements? Is the intelligence community striking the right balance between our capacity to collect intelligence and our capacity to analyze what is collected? Is the intelligence community prepared to face the challenges of information and operations, or cyber-warfare?

The future of our intelligence programs depends on finding the answers to these and other questions. But for today, today we understand very well our needs. We have provided for them in this legislation. I think we have achieved an excellent balance. Mr. Chairman, I urge all members to support H.R. 3694 today.

Mr. Chairman, I submit the following:

HOUSE OF REPRESENTATIVES,
COMMITTEE ON WAYS AND MEANS,
Washington, DC, May 4, 1998.

Hon. PORTER GOSS,
Chairman, House Permanent Select Committee
on Intelligence, House of Representatives,
Washington, DC.

DEAR PORTER: I am writing in response to your letter of April 29, 1998, which addresses H.R. 3694, as reported by the House Committee on Intelligence (Permanent Select) on April 29, 1998. H.R. 3694 would amend Section 905 of the National Security Act of 1947 by striking out "January 6, 1998" and inserting in lieu thereof "January 6, 1999". The bill contains an extension of application of sanctions laws to intelligence activities.

As your letter notes, this provision falls within the jurisdiction of the Committee on Ways and Means. Accordingly, the Committee would ordinarily meet to consider the bill. However, because the bill, as reported, extends for one year an already existing application of sanctions laws to intelligence activities, I do not believe that a markup of the bill is necessary.

I appreciate your consultation with the Committee in advance. I request your full support in joining me to prevent any other expansion or changes to the application of sanctions laws for intelligence activities other than the one year extension agreed to here. I would further appreciate your consultation with respect to this provision on any future Intelligence Authorization bills, including a mere reauthorization for additional periods of time. Of course, if an agreement cannot be reached, the provision would be subject to a point of order pursuant to Clause 5(b) of House Rule XXI.

I would ask that a copy of our exchange of letters on this matter be included in the record during floor consideration.

Thank you for your cooperation and assistance on this matter. With best personal regards,

Sincerely,

BILL ARCHER,
Chairman.

HOUSE OF REPRESENTATIVES, PER-
MANENT SELECT COMMITTEE ON IN-
TELLIGENCE,

Washington, DC, April 28, 1998.

Hon. BILL ARCHER,
Chairman, Committee on Ways and Means,
Longworth House Office Building, Washington,
DC.

DEAR BILL: I am writing to you concerning the planned inclusion of a provision in the "Intelligence Authorization Act for Fiscal year 1999" (H.R. 3694), which we expect to mark up on Wednesday, April 29, 1998, and report to the House early next week. I have included a copy of the proposed section for your consideration.

As you know, this provision relates to the application of sanctions laws to intelligence activities and simply extends the life of the provision for one additional year. As you will recall during last year's consideration of the Intelligence Authorization Act for Fiscal Year 1998, and based upon our mutual understanding and agreement as to your Committee's jurisdiction over matters relating to

taxes and tariffs, this provision was included in the Authorization Act for Fiscal Year 1998 as section 304 of that Act. A copy of that provision, as enacted (P.L. 105-107), is also included for your review.

I hope that we can, consistent with the agreement reached last year, once again agree that this provision may be included in H.R. 3694, and any resulting Conference Report, without objection from the Committee on Ways and Means.

There is no doubt that this provision falls squarely within the scope of Clause 5(b) of House Rule XXI, which provides that no tax or tariff provision may be considered by the House that has not been considered by the Committee on Ways and Means.

This provision is of critical importance to the protection of intelligence sources and methods whenever a proliferation violation has been identified and sanctions are deemed to be the appropriate method of discipline. This provision supplies the President with the necessary flexibility to address the competing interests of punishing the violators and protecting our national security interests at the same time. I appreciate your recognition of this important aspect of this section of our bill.

I would also offer that any modification of this provision in future Intelligence Authorization bills, beyond a mere reauthorization for additional periods of time, will be subject to consultation between our Committees, and, if agreement cannot be reached, subject to points of order pursuant to Clause 5(b) of House Rule XXI.

Thank you for your cooperation in this regard and I look forward to your support for H.R. 3694.

With all best wishes, I remain

Sincerely yours,

PORTER J. GOSS,
Chairman.

"(b) BENEFITS, ALLOWANCES, TRAVEL, INCENTIVES.—An employee detailed under subsection (a) may be authorized any benefit, allowance, travel, or incentive otherwise provided to enhance staffing by the organization from which the employee is detailed.

"(c) ANNUAL REPORT.—Not later than March 1, 1999, and annually thereafter, the Director of Central Intelligence shall submit to the Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate a report describing the detail of intelligence community personnel pursuant to subsection (a) during the 12-month period ending on the date of the report. The report shall set forth the number of personnel detailed, the identity of parent and host agencies or elements, and an analysis of the benefits of the details."

(b) TECHNICAL AMENDMENT.—Sections 120, 121, and 110 of the National Security Act of 1947 are hereby redesignated as sections 110, 111, and 112, respectively.

(c) CLERICAL AMENDMENT.—The table of contents in the first section of such Act is amended by striking out the items relating to sections 120, 121, and 110 and inserting in lieu thereof the following:

"Sec. 110. National mission of National Imagery and Mapping Agency.

"Sec. 111. Collection tasking authority.

"Sec. 112. Restrictions on intelligence sharing with the United Nations.

"Sec. 113. Detail of intelligence community personnel—intelligence community assignment program."

(d) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to an employee on detail on or after January 1, 1997.

SEC. 304. EXTENSION OF APPLICATION OF SANCTIONS LAWS TO INTELLIGENCE ACTIVITIES.

Section 905 of the National Security Act of 1947 (50 U.S.C. 441d) is amended by striking

out "January 6, 1998" and inserting in lieu thereof "January 6, 1999".

SEC. 305. SENSE OF CONGRESS ON INTELLIGENCE COMMUNITY CONTRACTING.

It is the sense of Congress that the Director of Central Intelligence should continue to direct that elements of the intelligence community, whenever compatible with the national security interests of the United States and consistent with operational and security concerns related to the conduct of intelligence activities, and where fiscally sound, should competitively award contracts in a manner that maximizes the procurement of products properly designated as having been made in the United States.

SEC. 306. SENSE OF CONGRESS ON RECEIPT OF CLASSIFIED INFORMATION.

It is the sense of Congress that Members of Congress have equal standing with officials of the Executive Branch to receive classified information so that Congress may carry out its oversight responsibilities under the Constitution.

SEC. 307. PROVISION OF INFORMATION ON CERTAIN VIOLENT CRIMES ABROAD TO VICTIMS AND VICTIMS' FAMILIES.

(a) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) it is in the national interests of the United States to provide information regarding the killing, abduction, torture,

(2) CONFORMING AMENDMENT.—Section 5315 of title 5, United States Code, is amended by striking out the following item: "Assistant Directors of Central Intelligence (3)."

(b) EXPANSION OF DUTIES OF DEPUTY DIRECTOR OF CENTRAL INTELLIGENCE FOR COMMUNITY MANAGEMENT.—Subsection 102(d)(2) of the National Security Act of 1947 (50 U.S.C. 403(d)(2)) is amended by striking out subparagraph (B) through (D) and inserting in lieu thereof the following new subparagraphs:

"(B) Carrying out the responsibilities of the Director under paragraphs (1) through (5) of section 103(c).

"(C) Carrying out such other responsibilities as the Director may direct."

SEC. 304. APPLICATION OF SANCTIONS LAWS TO INTELLIGENCE ACTIVITIES.

Section 905 of the National Security Act of 1947 (50 U.S.C. 441d) is amended by striking out "January 6, 1999" and inserting in lieu thereof "January 6, 2000."

SEC. 305. SENSE OF CONGRESS ON INTELLIGENCE COMMUNITY CONTRACTING.

It is the sense of Congress that the Director of Central Intelligence should continue to direct that elements of the intelligence community, whenever compatible

Mr. Chairman, I reserve the balance of my time.

Mr. DICKS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the Permanent Select Committee on Intelligence strives to report an authorization bill each year which is free of partisan division. While we have been generally successful in that effort, from time to time we have been divided on significant issues of substance.

This year, I am pleased to report that we have produced legislation which is not only bipartisan but without major substantive disagreement as well.

□ 1215

Credit for that result goes to the gentleman from Florida (Mr. GOSS) who has worked tirelessly to ensure that the views of all Members are reflected

in the work of the committee. I commend him for the leadership he has exhibited as chairman and for his willingness to work with committee Democrats on matters of importance to us.

For two of the Democratic Members, the gentleman from Colorado (Mr. SKAGGS) and the gentlewoman from California (Ms. HARMAN), this will be the final intelligence authorization bill they will bring to the floor. Although I look forward to working with them to get a conference report enacted, I want to thank them for their many contributions to the work of the committee.

The willingness of the gentleman from Colorado (Mr. SKAGGS) to tackle issues like declassification and the need to make greater use of intelligence in nontraditional ways has been invaluable. And the efforts of the gentlewoman from California (Ms. HARMAN) to encourage development of the complex systems through which intelligence will be collected in the future were also of great assistance.

This will be my last authorization bill, as well. I have enjoyed my 8 years of service on the committee and look forward to keeping up with intelligence issues when they come before the Committee on Appropriations. I have been impressed tremendously by not only the importance of intelligence to our Nation's security, but by the dedication, often under circumstances of great hardship and danger, of the men and women who work in our intelligence agencies.

The authorization bill for fiscal year 1999 will make improvements in intelligence capabilities that need to be modernized either because of technological advances or because they require greater emphasis to respond to changing threats. The bill is only marginally more, in the aggregate 0.1 percent, than the amount requested by the President. Although the committee chose to place a different spending priority on certain items than did the administration, I do not believe that we have done harm to any initiative or activity which the Director of Central Intelligence or the Secretary of Defense consider crucial.

Generating public support for spending on intelligence programs, given their classified nature, is never going to be easy. Although it should be common sense that the possession of information in advance about the military plans of an enemy, the bottom-line position of another government in a diplomatic negotiation, the location of a terrorist cell, or the scientific and technical capability of someone trying to develop a weapon of mass destruction should be invaluable, we sometimes forget that the acquisition of access to that kind of information is time consuming and expensive. I do not believe we need to justify intelligence spending on the basis of some esoteric calculation about whether our national security is more or less at risk than when the Soviet Union was in place.

We will always have threats to our security. Some will be predictable, some will not. Dealing with them requires accurate and timely information, some of which can be provided only by intelligence agencies. There is a cost to maintaining the capability to provide that information when required, and that cost is significant. The cost if the information is not available, however, is potentially far greater.

Our job on the committee is to ensure that the means necessary to provide intelligence on matters which demonstrably affect national security are available at a cost which is not excessive relative to their importance. I believe the 21-year record of the committee in this effort, including the bill now before the House, has been exceptional.

Besides recommending spending levels, an authorization bill and accompanying report also make judgments about the manner in which programs are being managed. I believe that one of the chief responsibilities of an oversight committee is to monitor the activities of the agencies under its jurisdiction in a manner which is both aggressive and thorough. I also believe that oversight should be constructive and fair. I am concerned about the tone of some of the recent criticism of the work of two agencies, the National Reconnaissance Office, (NRO), and the National Imagery and Mapping Agency (NIMA).

The United States has an intelligence capability second to none in the world. Much of that preeminence is due to the performance of the systems acquired and operated by the NRO. These systems are extraordinarily complex and expensive. We are now in the midst of an effort to modernize these systems. When the need for modernization was made clear several years ago by then-Director of Central Intelligence Jim Woolsey, and Congress agreed to embark on a plan to accomplish it, it was with the understanding that substantial amounts of money would have to be expended in the short term to produce savings in the future.

We have spent much of the intervening years altering in sometimes significant ways the components of the plan, which has added to the costs that have to be met in the near term and delayed the realization of the expected long-term savings as well. It is disingenuous to have been a part of this practice and then to complain about the effects it has produced on the NRO's budget.

NIMA is a new agency created less than 2 years ago through the merger of the Defense Mapping Agency and the imagery analysis elements of the CIA and DIA. Like most mergers, this one, which I strongly supported was not without problems, but I believe that NIMA personnel are committed to having the agency fulfill its important mission successfully.

Earlier this year I wrote to NIMA's customers to ask for an evaluation of their performance. Secretary of Commerce Daley responded that "After

working through some initial confusion regarding authority and responsibility for certain products and services, support to civilian agencies is now better than before the individual components were combined into NIMA."

James L. Witt, the Director of the Federal Emergency Management Agency, wrote, "The support and service provided by NIMA to support disaster response activities have been and continue to be outstanding." Sandy Berger, the President's National Security Advisor, complimented NIMA on making a strong effort to provide high-quality analysis and pronounced himself "generally satisfied" with the results.

I do not believe that these comments reflect an agency that is failing to do its job or one that is ignoring the needs of nonmilitary consumers to concentrate on those of the military, as some had feared. Any enterprise involving human beings can be made better, but I think it is not helpful to make final judgments, pro or con, about an agency in its infancy. I offer these thoughts in the hope that they will provide perspective in evaluating the performance of the NRO and NIMA in the days ahead.

Mr. Chairman, H.R. 3694 is a good bill which will advance the interest of military and civilian consumers of intelligence. I urge that it be approved by the House.

I would also like to compliment both the majority staff and the Democratic minority staff. I think this committee has been blessed over the years with an outstanding staff. And I want to particularly thank Mike Sheehy and the Democratic staff members whom I have had the privilege of working with for the last 4 years.

Mr. Chairman, I reserve the balance of my time.

Mr. GOSS. Mr. Chairman, I yield myself such time as I may consume.

I simply want to say that I am very proud to have worked with and learned from the gentleman from Washington (Mr. DICKS) as the ranking member. He has been an extraordinary asset of the United States of America in his capacity as a manager of the portfolio. He brings wisdom, judgment and knowledge about military intelligence and equipment to the table in our committee to the extent that I think no other member has or can at this time. I hope he is not going to leave. But if it turns out that way, we will miss him.

I also hope we are not going to lose anybody else. And for the gentleman from Colorado (Mr. SKAGGS) and the gentlewoman from California (Ms. HARMAN), I share that view with all the other members. I happen to feel that we have got an extraordinary committee and staff, we are doing our job timely and well.

Mr. Chairman, I yield 2½ minutes to the gentleman from New York (Mr. BOEHLERT) to allow him to demonstrate what I have just said.

(Mr. BOEHLERT asked and was given permission to revise and extend his remarks.)

Mr. BOEHLERT. Mr. Chairman, we find ourselves in both a fiscal and political environment in which we simply cannot fund every system and program we would like. This applies whether intelligence or not intelligence.

However, it is important for the American people to understand just how critical intelligence is to the very survival of our Nation and our way of life. On the way over to the Capitol this morning, I heard a radio announcer refer to this bill as "the bill to authorize America's cloak-and-dagger operation." That sort of a label is correct in a way, but unfortunately, I believe it unintentionally misrepresents what this bill is all about.

What this bill is about is the wise and prudent funding and oversight of those intelligence collection analysis and dissemination function necessary to provide for the security of our Nation, its interests, and its citizens around the world. We are talking about what I refer to as "counterprograms." We are not engaged in a world war, but we have some very important counterprograms, counterterrorism, counternarcotics, counterproliferation. These are all very important activities, and this bill funds them.

Mr. Chairman, I would like to point out a couple of functional intelligence areas of particular interest in this bill. The first is the emphasis this bill places on rebuilding leading-edge technology, research and development. It is the basic research and development of new technologies that are the easiest to cut in lean fiscal times. But it is precisely these efforts that our future depends on and that we must pay particular attention to and fund properly.

This bill puts great emphasis on future capabilities, albeit sometimes imprudently at the expense of older so-called legacy systems. Also, this bill emphasizes the need for a strong, well-trained and funded reserve intelligence component.

Mr. Chairman, there are a lot of things I could say about this bill, and I do not have the time to say them. Just let me say that as someone who tried to be very attentive to my important responsibilities on this committee, I admire the way the chairman and ranking member have worked cooperatively. I admire the seriousness of purpose of all of the members. I admire the product that we are producing, and I commend it to the attention of all my colleagues and the American people.

We are doing the people's business in a wise and prudent manner.

Mr. DICKS. Mr. Chairman, I yield 3 minutes to the gentlewoman from California (Ms. PELOSI).

Ms. PELOSI. Mr. Chairman, I thank the distinguished gentleman from Washington (Mr. DICKS), the ranking member, for yielding this time to me and for his leadership on this important committee.

I rise, Mr. Chairman, to engage the gentleman from Florida (Mr. GOSS), the distinguished chair of the Permanent Select Committee on Intelligence, in a colloquy concerning section 303 of the bill.

Before doing so, I want to commend our chairman for his leadership also and to thank him for including full funding for the environmental program in this legislation before us today, the recognition that new issues need to be addressed, not that the environment is a new issue, but new compared to its being a priority on the Permanent Select Committee on Intelligence and in the intelligence authorization bill. In any event, I rise to engage the gentleman in a colloquy.

As the chairman knows, this section of the bill extends for 1 year the authority of the President to delay the imposition of a sanction upon a determination that to proceed with the sanction would risk the compromise of an ongoing criminal investigation or an intelligence source or method.

My first question, Mr. Chairman, is whether the legislative history of this provision, enacted in 1995, would be applicable to the extension of the authority for 1 more year?

Mr. GOSS. Mr. Chairman, will the gentlewoman yield?

Ms. PELOSI. I yield to the gentleman from Florida.

Mr. GOSS. I would assure the gentlewoman from California that is the intent of the committee, that the legislative history of this provision, as it was developed in the debate in 1995, is applicable to the exercise of this authority. Indeed, the report to accompany H.R. 3694 reaffirms the joint explanatory statement of the committee of conference on the Intelligence Authorization Act of Fiscal Year 1996 to make completely clear that the original legislative history of this provision continues to govern its implementation.

Ms. PELOSI. Mr. Chairman, is it then the case that the committee intends that the provision will be narrowly construed and used only in the most serious of circumstances when a specific sensitive intelligence source or method or criminal investigation is at risk?

Mr. GOSS. If the gentlewoman would further yield, that is certainly the intent of the committee.

Ms. PELOSI. Is it also the case that the law requires the intelligence source or method or law enforcement matter in question must be related to the activities giving rise to the sanction and the provision is not to be used to protect generic or speculative intelligence or law enforcement concerns?

Mr. GOSS. That is also the case.

Ms. PELOSI. Finally, Mr. Chairman, does the committee expect that reports concerning a decision to stay the imposition of a sanction shall include a determination that the delay in the imposition of a sanction will not be seriously prejudicial to the achievement of the United States' nonproliferation ob-

jectives or significantly increase the threat or risk to U.S. military forces?

Mr. GOSS. Yes, it does.

Ms. PELOSI. Mr. Chairman, I thank the distinguished chairman of our committee for engaging in this colloquy and for his confirmation of the understanding that we had when this provision was first enacted.

Mr. DICKS. Mr. Chairman, will the gentlewoman yield?

Ms. PELOSI. I am pleased to yield to the gentleman from Washington.

Mr. DICKS. I wanted just to say that I concur in all the statements made by the chairman. This is also the understanding that I have of this provision.

Ms. PELOSI. I thank the ranking member for his cooperation and concurrence in the view of the chairman.

Mr. DICKS. And I want to compliment the gentlewoman for her diligence on this important matter.

□ 1230

Mr. GOSS. Mr. Chairman, I yield 3 minutes to the gentleman from Florida (Mr. YOUNG), chairman of the Appropriations Subcommittee on National Security.

Mr. DICKS. Mr. Chairman, I yield 30 seconds to the gentleman from Florida (Mr. YOUNG).

Mr. YOUNG of Florida. Mr. Chairman, I rise in strong support of this intelligence authorization bill. I want to compliment the gentleman from Florida (Mr. GOSS). He has done an outstanding job. I have had the privilege of working on the Permanent Select Committee on Intelligence for 14 years now, two different terms. I have to say that the gentleman from Florida has been outstanding in the leadership that he provides for the committee and also to the gentleman from Washington (Mr. DICKS), we have worked together for so many years, he is a member of our subcommittee. We have the unusual relationship of being members of the Permanent Select Committee on Intelligence as well as members of the appropriations subcommittee that provides the funding for the Permanent Select Committee on Intelligence. The gentleman from Washington does a really good job. He is very dedicated to a good intelligence bill.

That is what this is. This is a good intelligence bill. It provides not as much as we would like to have provided for our intelligence activities, but it provides the best that we can with the budget constraints that we are faced with today.

There are those of us who believe that we are not making a strong enough investment in our national security, at any part of our national defense structure, whether it be the operational military forces or the intelligence community. But the intelligence community is the eyes and ears of our national capabilities. We have to have information, we have to know what is happening in the world, we have to know what threats there might be out there.

The intelligence community does an outstanding job, I might say. I might be criticized for that statement because all you ever hear is the bad news. If an intelligence agent happens to go bad, which does happen on occasion, or if a mistake is made, you hear about that but you do not hear about the good things that the intelligence community brings to our overall national security effort. I wish we could talk about some of those on the floor in open session today, but obviously we cannot because it is essential that the sources that we use for developing our own intelligence information and the methods that we use and the people who are involved in this have to be protected. Their mission is extremely important and their lives could very well be at risk if we went into a lot of detail.

I know that there will probably be some amendments offered to reduce the authorized level of funding in this bill. I would urge the Members not to support this. This bill does not provide enough authorization for funding to do the things that we ought to be doing in our national security effort, but it is the best we could do with the budget constraints.

I suggest that we defeat any amendments that would tend to reduce the investment in our intelligence capability and let us pass this good bill and get it on to the Senate so we can get it to the President.

Mr. DICKS. Mr. Chairman, will the gentleman yield?

Mr. YOUNG of Florida. I yield to the gentleman from Washington.

Mr. DICKS. Mr. Chairman, I just want to compliment the gentleman for his statement and I want to concur in it. Sometimes I think there is a question out there about whether intelligence is really that important. I think it is our ace in the hole. I think it is what gives America an extraordinary advantage over any potential foe. Our human intelligence, our national technical means, are remarkable assets to this country. In every conflict we have been in in recent years, they have given us a tremendous advantage. I think the work of the defense subcommittee and the authorization committee to come up with a good bill that keeps that going is essential to the future of the country.

Mr. YOUNG of Florida. Mr. Chairman, I appreciate the gentleman's comments. He is right on track.

Mr. DICKS. Mr. Chairman, I yield 2 minutes to the gentleman from Missouri (Mr. SKELTON), the ranking member of the Committee on National Security.

Mr. SKELTON. Mr. Chairman, I rise in support of H.R. 3694. I have a rather unique position and opportunity. As ranking member of the Committee on National Security and as a member of this Permanent Select Committee on Intelligence, I can personally testify to the importance of intelligence to our military commanders in the field, to

our troops who are daily supporting our peacekeeping efforts in places like Iraq, in Macedonia and to our pilots in the Iraqi no-fly-zone.

Cicero once said that gratitude is the greatest of all virtues. I am not sure we say thank you enough to the members of the intelligence community. What they do so often is not known. Yet it pays off in knowledge to the commanders in chief in the field, to the President, to the Secretary of Defense, to the Secretary of State, and, of course, to this body.

Intelligence is critical to successful operations and to the safety of our men and women in uniform. Intelligence also plays a crucial role in the Joint Chiefs of Staff's plan for the 21st century, Dominant Battlespace Awareness, which hinges on our intelligence investment.

Critical to the Joint Chiefs' plan, as well as to daily air, sea, and ground operations, are the mapping products created by the National Imagery and Mapping Agency. Although I support this bill, I am frankly concerned with the reductions in the operations and maintenance funds for the National Imagery and Mapping Agency. I think the cuts are unjustified and excessive. I fear that they will have an unacceptable impact on the production of products for the unified commands and for the State Department peacekeeping negotiations. I am also concerned that these cuts will result in the unwarranted elimination of jobs from an agency that does not have sufficient staffing to meet military requirements today.

Mr. GOSS. Mr. Chairman, I yield 2½ minutes to the distinguished gentleman from New Hampshire (Mr. BASS).

Mr. BASS. Mr. Chairman, as a member of the Permanent Select Committee on Intelligence, I welcome the opportunity to speak in support of H.R. 3694, the Intelligence Authorization Act for Fiscal Year 1999. I would also like to associate myself with the very good comments of the gentleman from Florida (Mr. YOUNG) and the gentleman from Washington (Mr. DICKS) concerning the strategic importance of intelligence. I would only add to that by saying that intelligence is also more than military and tactical in nature. There are civilian aspects to intelligence that are very important to the national security of this country that go beyond support to our military and provide the kind of protection for the citizens of the United States, not only domestically but abroad, that we all need and cherish.

This is one of the safest countries in the world in which to live. Part of the reason for that is the fact that we know what our enemies are doing and we know what their plans and intentions are better perhaps than anybody else in the world.

I would like to address if I could for a second the budget itself. The legislation before us today refocuses the

President's request upon four major priorities for intelligence in the next century. Firstly, it accelerates the re-capitalization of a signals intelligence program that has produced invaluable information against the new transnational targets of the post-Cold War world.

Secondly, our bill begins the process, after years of drawdowns and reductions, of rebuilding a clandestine human intelligence program that has provided much of our intelligence on the plans and intentions of terrorists, traffickers and other adversaries.

Thirdly, our bill continues the strengthening of the analysis part of intelligence collection that provides both assessment to our policymakers and guidance to the collectors.

Finally, our bill enhances the capability of the President to direct and accomplish covert actions when he deems such actions necessary to U.S. foreign policy and our national security. The purpose of our mark in each of these areas is to strengthen the capabilities that will provide policymakers with the intelligence that they will need in the next century.

Mr. Chairman, there were also strategic cuts in the budget, made after much investigation and on a line-by-line basis, on programs that will mostly be effective in the 21st century. The intelligence community has for the most part moved forward effectively against new and difficult issues. There are some areas where we can make some reductions and do so in a prudent fashion.

Once again, Mr. Chairman, I am happy to rise in support of this bipartisan authorization bill. I want to commend both the gentleman from Florida and the gentleman from Washington for having done an excellent job working together to produce this important bill.

Mr. DICKS. Mr. Chairman, I yield 2 minutes to the gentleman from Maryland (Mr. CARDIN), a good solid member of the Committee on Ways and Means.

Mr. CARDIN. Mr. Chairman, I thank the gentleman for yielding me this time and congratulate both the gentleman from Florida and the gentleman from Washington for bringing forward a product that deserves the support of this House. I have said before that whenever an intelligence authorization or appropriations is before us, the proponents are at a disadvantage because people can attack the intelligence community. A lot of this is confidential. They do not have the opportunity sometimes to defend themselves.

The United States has the most sophisticated intelligence apparatus in the world. We have the best trained professionals in the world. Yet we have the most difficult challenges of any nation in this world. We work in a bipartisan manner in order to provide authorization and appropriations for our intelligence agencies. I really do applaud the leadership of this House for

doing that. For the security of our country and for the manner in which this has been handled in the House, it deserves our support.

I must tell my colleagues, though, that I was somewhat disappointed by some of the tone in the language as it related to some of our intelligence agencies. But I am very pleased to see that the report acknowledges that we must invest in the recapitalization and modernization of our SIGINT capacities. I think that is very important for this country.

I have visited NSA on numerous occasions and know the dedication of the men and women in public service for our country. They represent some of our brightest minds in our Nation. But if we are going to be able to attract the best from our universities and colleges so that we can maintain that capacity in the future, it is important that we authorize adequate funds and appropriate adequate funds for our intelligence operation.

Mr. Chairman, I am pleased that we were able to bring this product forward in a bipartisan manner. I hope that this body will support the work of the committee, support the authorization and later support the appropriation.

Mr. GOSS. Mr. Chairman, I appreciate the distinguished gentleman from Maryland's remarks. We have worked together on many things. His support is very important.

Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Illinois (Mr. HASTERT), the chairman of the task force to counter the drug problem.

Mr. HASTERT. Mr. Chairman, I appreciate the fine work of the Permanent Select Committee on Intelligence. I am pleased to join my colleagues from the Permanent Select Committee on Intelligence in support of H.R. 3694, the fiscal year 1999 intelligence authorization bill. As chairman of the Committee on Government Reform and Oversight, Subcommittee on National Security, and the Task Force for a Drug-Free America, I have had an opportunity to visit a wide range of counternarcotic programs in this country and overseas during the past few years. I have seen the effectiveness of the information produced by our intelligence community in identifying and tracking major narcotics trafficking activities. This intelligence information is essential to facilitating the law enforcement community's effort to slow the flood of cocaine and heroin that is pouring into our country. I have been particularly impressed by the growing coordination between the intelligence community and the law enforcement agencies to jointly target major narcotics trafficking groups.

Despite this good news, I regret to report that we are stopping no more than 15 to 20 percent of the drugs flowing from the source countries of Colombia, Peru and Bolivia. We have the best intelligence organization in the world, but we lack the capability to act effec-

tively on the information that we collect against narcotraffickers. It is clear that the administration's current source zone strategy is having only a very limited impact on cocaine and opium production in the source countries. We need to provide sufficient political will, sufficient resources and sufficient personnel to this effort.

Equally, the transit zone strategy is undermined by an unwillingness to seek sufficient air, ground and maritime resources to track, pursue and stop narcotrafficking moving through Central America, the Caribbean and Mexico. Based on numerous meetings with foreign narcotics officials and U.S. Government personnel serving in the field, I am quite persuaded that much more could be achieved if we would be willing to come forward and seek the necessary resources to step up the eradication and interdiction of cocaine and heroin.

Mr. Chairman, this is an important piece of legislation. Intelligence is the key to stopping narcotics traffic in this country and this hemisphere. I support this legislation.

Mr. DICKS. Mr. Chairman, I yield 4 minutes to the gentleman from Georgia (Mr. BISHOP).

Mr. BISHOP. Mr. Chairman, I rise in strong support of H.R. 3694, the Intelligence Authorization Act for Fiscal Year 1999. Let me first congratulate the gentleman from Florida (Mr. GOSS) and the gentleman from Washington (Mr. DICKS) for their tireless efforts in producing a bipartisan bill that addresses the needs of the intelligence community. There is arguably no greater consumer of intelligence than our Nation's Armed Forces. Despite the end of the Cold War, the requirements of our military for better and more timely intelligence has actually increased rather than decreased.

This is the result of a number of factors, including transitional issues such as terrorism and the proliferation of weapons of mass destruction. Perhaps no incident better illustrates the threat that terrorism poses to the men and women of our armed services than the cowardly and callous terrorist bombing of Khobar Towers in Saudi Arabia.

□ 1245

Our forces in Bosnia remain exposed to the threat of terrorism, and it is the intelligence that is collected, processed, analyzed and disseminated that continues to aid in shielding our sons and daughters against this deadly threat.

Additionally, our military has drawn down significantly in the aftermath of the Cold War. In fact, the military has experienced more cutbacks than any other Federal agency, and quite frankly in my view the reductions have gone too far.

Despite these reductions, the missions have increased as has the tempo of operations associated with those missions. Today we have members of

our services in Europe, Africa, the Middle East, and Asia conducting missions ranging from peacekeeping to enforcement of United Nations sanctions to defense of nations.

Intelligence is a force multiplier, and if we are to continue on a downward path of funding our Nation's armed services, then we definitely need to take every step we can to ensure that our intelligence capabilities are sufficient to provide the policymakers with the information needed to make key decisions affecting national security. This bill provides the necessary resources to ensure that our intelligence capabilities are sufficient to meet the contingencies of the next generation.

Mr. Chairman, last January I traveled to Southeast Asia to review our intelligence activities and our operations in that region of the world, and I focused my attention specifically on efforts aimed at achieving a full accounting of Americans that are still unaccounted for as a result of the Vietnam war. I want to ensure our Nation's veterans and the families of those soldiers, airmen, and sailors that are still unaccounted for that the bill that is being considered today contains the necessary resources to permit the intelligence community to continue its efforts to determine the fate of those who have yet to come home.

Mr. Chairman, the intelligence community historically has had a poor record in maintaining a diverse work force. In fact, the intelligence community as a whole lags far behind the Federal labor sector in its representation of minorities and women. This committee recognizes the difficulty faced by intelligence agencies, that of competing with the private sector for minority applicants possessing high technical skills that are critical to intelligence missions. The fact of the matter is that these agencies cannot match the financial incentives and rewards offered by the private sector firms that attract individuals with skills of importance to the intelligence community.

This committee has been a supporter of a number of recruitment and training programs aimed at ensuring equal employment opportunity within the intelligence community agencies and developing and retaining personnel that are trained in the skills essential to the effective performance of intelligence missions. I am pleased to report that this bill continues this committee's commitment to those programs, specifically including the Stokes program.

I also want to note that I intend to review these programs in the succeeding years to ensure that the desired goals are being achieved and that the programs are being administered in an effective manner.

Mr. Chairman, the Intelligence Authorization Act for this year, for 1999, provides critical support to all facets of our intelligence community. Resources are authorized that permit the

sustainment of the intelligence community's efforts to assist in providing force protection intelligence to our troops and to assist in the collection and analysis of critical intelligence bearing on such challenging issues as counterproliferation, counternarcotics, and counterterrorism.

I am proud to support this bill, and I urge my colleagues to do the same.

Mr. GOSS. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from the Commonwealth of Pennsylvania (Mr. SHUSTER), Chairman of the Committee on Transportation and Infrastructure, and a valued member of the Permanent Select Committee on Intelligence as well.

Mr. SHUSTER. Mr. Chairman, when General Schwarzkopf came back from the Gulf War, he told us that he had better intelligence than any battlefield commander in the history of the world. He also was asked by the media if there were any improvements that could be made, and he said yes, there were, and he went on to outline what further improvements could be made. The headlines then became "Schwarzkopf Criticizes Intelligence," rather than the emphasis on his tremendous complimentary comments about the extraordinarily good intelligence which he had during that war.

Mr. Chairman, I think that there is a pervasive feeling across this country somehow, at least in some quarters, that criticizing intelligence is the thing to do. Indeed there has been a drum beat of criticism of intelligence rather than the kind of support which I believe it deserves. And it is largely as a result of that, I believe, that there has developed, particularly in the clandestine service, what might be called a culture of timidity, and I do not fault the clandestine service for that at all. I think it is a rational response, if each time someone raises their head they get a shot taken at it, they learn to keep their head down. Unfortunately, by its very nature, the clandestine service must be a careful but bold risk-taking service, and I think we are losing that in this country, and I think it is a very, very serious matter, and it is going to take years to rebuild it.

And so I would urge all of us to be aware of that and to be supportive where we can.

And finally with regard to the so-called drug war, this is something which deserves much, much more attention, much more funding, and I would urge support for the blueprint of the gentleman from Florida (Mr. MCCOLLUM) to wage war on drugs. We need to focus and spend more funds on this important issue.

Mr. DICKS. Mr. Chairman, I yield 3 minutes to the distinguished gentleman from Ohio (Mr. STOKES) who has served as chairman of this committee and in many important assignments in this House, and he is going to be one of the Members that next year we are going to miss the most. He has done an outstanding job for his district

and an outstanding job for this country.

Mr. STOKES. Mr. Chairman, I thank the distinguished ranking member for yielding this time to me and also for his very kind remarks. I also want to express my appreciation to the gentleman from Florida (Mr. GOSS) for the work that he does with this committee.

I want to address the House on an area of this legislation which is of particular concern to me. That area is the undergraduate training program. I rise as a former member and chairman of the House Permanent Select Committee on Intelligence. When I served on the committee, I was struck by the lack of minorities employed in ranking and policymaking positions throughout the intelligence community. In questioning area agency directors about this, I was told that they were unable to find qualified minorities who were interested in employment in the intelligence community.

The solution to this problem took the form of legislation which is included in the intelligence authorization bill of 1987, creating the undergraduate training program. We were able to secure the cooperation of the Central Intelligence Agency and the National Security Agency, to become the first intelligence agencies to include in their budgets the funds to provide full scholarships for minority and disadvantaged students.

Mr. Chairman, through the UTP program, students have their undergraduate education fully funded and, following completion of college, are placed in mid-level positions at the agencies. To date, more than 150 individuals have participated in the undergraduate training program at the National Security Agency. The Central Intelligence Agency has graduated 135 students from the program. Many of these students have 4.0 averages at top universities around the nation. Some of them have 4.1 averages.

I am proud that the undergraduate training program is changing the face of America's work force, particularly in the intelligence field. Mr. Chairman, when I met with these graduates, they have expressed how this program has provided them with challenging career choices, helped them to realize their full potential. The success of this initiative has resulted in its adoption now in other agencies, including the DIA, the FBI, the National Institutes for Health and other agencies.

It is my strong belief that the undergraduate training program represents our commitment to diversity in the workplace and equal employment opportunity. It has proven successful, and I want to thank the gentleman from Florida (Mr. GOSS) and the gentleman from Washington (Mr. DICKS) and all the members of the committee on both sides of the aisle for their efforts in maintaining this initiative, which I think is a credit to both the Congress and to our Nation.

Mr. GOSS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I would like to associate myself with the remarks of the gentleman from Washington (Mr. DICKS) about the gentleman from Ohio (Chairman STOKES). He has always been Chairman STOKES to me. He was chairman of the Committee on Standards of Official Conduct when I started out, and the vision and contribution he has made to this institution are immeasurable. That is all I can say, and I thank the gentleman for his words.

Mr. Chairman, I yield 2 minutes to the gentleman from Nevada (Mr. GIBBONS) a distinguished veteran of the Gulf War, an Air Force officer and a member of our committee.

(Mr. GIBBONS asked and was given permission to revise and extend his remarks.)

Mr. GIBBONS. Mr. Chairman, I thank the distinguished gentleman and chairman of the committee for an opportunity to speak today.

Mr. Chairman I rise to join my colleagues today in strong support of H.R. 3694, the intelligence authorization bill for fiscal year 1999.

Mr. Chairman, I have the distinct pleasure of being able to serve on both the House Permanent Select Committee on Intelligence and the House Committee on National Security. This allows me the opportunity to look across both operation military and defense issues as well as the intelligence functions that not only support but in fact participate in those various defense operations.

I can tell my colleagues, Mr. Chairman, this is a very prudent bill. It is a bill that not only sustains currently required capabilities but, importantly, begins to rebuild critical intelligence capabilities lost as a result of security changes brought about by the end of the bipolar cold war. It is a bill that provides our military forces with the information resources necessary to build our fighter confidence and perhaps even to keep them out of harm's way. It also seeks to provide them with the indications and warnings intelligence to allow them the advantage in a conflict.

Let there be no mistake Mr. Chairman. Contrary to arguments that will be made today, this is not a more secure world since the end of the cold war. While it is true that we do not face the imminent threat of nuclear annihilation today from the former Soviet Union, the threats posed by international terrorism, transnational threats such as narcotics trafficking, organized international crime, the proliferation of weapons of mass destruction, any use of chemical and biological weapons by rogue nation states are more pressing and considerably more dangerous than they ever have been before. The problems associated with collecting and understanding information about today's risks are in many ways more difficult because formal government boundaries are not limiting the threats to our peace and security.

Mr. Chairman, I would like to note that the chairman of the Joint Chiefs

of Staff has stated that information dominance is one of the most important characteristics of his Joint Vision 2010 strategy.

Intelligence, intelligence, Mr. Chairman, is the bedrock for that information dominance. This bill provides our intelligence community with military forces, the infrastructure necessary to give United States that information dominance.

And finally, Mr. Chairman, I need to point out that this bill provides a fiscally sound increase of less than one-tenth of 1 percent to the President's request for intelligence. This increase reflects the proper emphasis on the information gathering, exploitation and dissemination activities necessary to ensure the security of the United States. And that is the bottom line: the security of the United States.

Mr. DICKS. Mr. Chairman, I yield 3 minutes to the gentleman from Ohio (Mr. TRAFICANT), my good friend, who every year has offered a Buy America amendment. This year we just put it in the bill because we thought it was the right thing to do, and the gentleman has made a very important contribution, and we appreciate his interest in the intelligence bill.

Mr. TRAFICANT. Mr. Chairman, I want to commend the chairman of the committee and the ranking member for this bill, and I will vote for it. And I am for the first time going to vote against any cuts in their bill because I believe they deserve the chance, as stated by the gentleman from Ohio (Mr. STOKES), the chairman and one of the great Members in the body, that there is some hope here.

But I would like to give one observation specifically on this business about the war on drugs. See, I am one that believes that the CIA is not as bad as the critics proclaim, but I also believe the CIA is certainly not as good as its proponents proclaim, and I think there must be some improvement. Certainly the war on drugs is a good example.

Mr. Chairman, our intelligence community should know the source of drugs. They should know the land that grows them, the farmers that tend to those crops and harvest those crops. They should know the cartels that take those rough products and manufacture them into a finished product. They should further know the networking system that arranges for the export of those narcotics to our borders where 100 percent of all heroin and cocaine comes into this country across our borders, and Congress keeps philosophically debating the war on drugs.

□ 1300

I also believe the CIA should know who arranges for the importation of these drugs, what groups in America are also a part of the distribution, marketing and networking of making these drugs available; and finally, which international politicians not only turn their backs, but help to make these narcotics available.

Now, here is what I am saying: If the intelligence community does not know that, we should save the money and throw it all out. Now, I am offering an amendment today that is a very little, safe amendment. It calls for a report from the CIA as to their networking and coordination of efforts with law enforcement agencies in this country relative to the dynamics of this war on drugs.

But let me say this. I believe the time will come where Congress should mandate that the CIA should network and cooperate with domestic law enforcement and international law enforcement specifically on this war on drugs. I believe we have failed in the war on drugs.

Networking and coordination are very important. Oftentimes, agencies compete against one another for funds, and Congress at times takes stands and plays and takes sides on the floor for appropriations. We must have better coordination, better networking, and the intelligence community must be the heart of this success. Quite frankly, I do not think they are.

I am willing to give it a chance; I think that focus needs to be taken.

Mr. GOSS. Mr. Chairman, I yield 2½ minutes to the distinguished gentleman from Delaware (Mr. CASTLE), former Governor of the State of Delaware and a member of our committee.

Mr. CASTLE. Mr. Chairman, I also rise in strong support of H.R. 3694, the intelligence authorization bill, and I offer my congratulations to the ranking member and to the chairman of this committee, both of whom are extraordinarily dedicated to this and, I think, do a wonderful job in performing this function.

Mr. Chairman, I do share the chairman's concerns about the current state of the intelligence community, and I do fully support his recommendations within this legislation for finding its deficiencies. Like my chairman, I believe that we must invest sufficient resources toward the development of the intelligence community's all-source analytical infrastructure. United States policymakers must have the most comprehensive, responsive and timely strategic perspective on major global changes.

During the Cold War, the wide-ranging nature of the Soviet threat simplified the analytical tasks faced by the intelligence community. Since the collapse of the Soviet Union, the unpredictability of emerging global challenges such as those of Bosnia, Haiti, Somalia and Iraq, requires the development of a national analytical capability that can provide policymakers with sufficient warning and with a range of policy options.

The failure of the Clinton administration's efforts to contain Saddam Hussein may, in part, reflect the inadequacy of our government's analysis of Iraqi internal dynamics, as well as gaps in our understanding of Iraq's policies and economy. Like other rogue states,

Iraq demands a rigorous and aggressive analytical posture on the part of our intelligence community. We must do a better job of analyzing trends within such hard targets.

As a member of both the Permanent Select Committee on Intelligence and the Committee on Banking and Financial Services, I am quite aware of the intelligence community's role and performance in analyzing significant global economic trends for policymakers, as well as its efforts to respond to the emerging threat of global organized crime.

I must confess that I have heard that the intelligence community may not be as capable of assessing global economic trends as a number of private sector firms. Economic and banking specialists and such government entities as the Federal Reserve, the Treasury Department and the U.S. Trade Representative's Office, have not been shy in criticizing the value of the community's economic intelligence reporting. While some of this criticism may not be justified, I believe that a prudent approach would be to initiate some sort of interagency review process to evaluate the quality and relevance of the community's economic intelligence reporting.

In response to emerging national security threats, such as money laundering by global criminal organizations, efforts should be made to clarify the respective roles of the intelligence community and law enforcement agencies. The nature and scope of the threat posed to our national security by money laundering groups is apparently large, but not well defined.

Numerous U.S. agencies have some responsibility for monitoring and responding to the global money-laundering threat, but no single agency takes the lead in tracking illicit financial flows and tracking down major launderers. I believe we can do it here. I urge members to support H.R. 3964.

Mr. DICKS. Mr. Chairman, I yield 2 minutes to the gentleman from Vermont (Mr. SANDERS), who has been very diligent over the years in reviewing the intelligence budget. We do not always agree on this, but I certainly want to yield to him to present his perspective.

Mr. SANDERS. Mr. Chairman, I thank the gentleman for yielding, and I do not know that I will take the 2 minutes.

Let me just say this: We have heard a lot of discussion about the bipartisan nature of support for the intelligence budget, and that may well be on the Permanent Select Committee on Intelligence; I do not think it is in the general House.

Last year, when we offered an amendment to lower the intelligence budget by 5 percent, we had 142 Members who said, no, those do not reflect our priorities. And I think, Mr. Chairman, that when we go out on Main Street and we go to rural America and we go to urban America and we say to the folks there, many of whom, I should add, no longer

vote, by and large have given up on the political process because they do not believe that this Congress represents their interests, and we say to them, should we increase funding for the intelligence budget and cut funding for Medicare, should we allow a situation to continue where millions of elderly people in this country cannot afford their prescription drugs or should we build more spy satellites, I say to my colleagues, those people will tell us, in my view, and tell us overwhelmingly, they will say, Congress, get your priorities right. This is an intelligence budget, so let us talk about how we can improve intelligence in America.

Let us make sure that the little kids are able to get into the Head Start program. Let us make sure that millions of kids in this country who would like to go to college, but today cannot afford to go to college, have that opportunity by significantly increasing the appropriations for Pell grants. That is what we are talking about.

Now, nobody here is saying this is a peaceful world, that there are no problems. Nobody here is saying, let us cut the intelligence budget to zero. Nobody here is saying that the intelligence agencies do not serve a useful purpose. What we are saying is, get your priorities right.

The Cold War is over. The middle class, the working families of this country are hurting. Do not cut programs for them in the name of deficit reduction and increase funding for the intelligence budget.

Mr. DICKS. Mr. Chairman, I yield myself 1 minute and 55 seconds.

I would just like to remind my colleague that if we subtract 142 from 435, we come up with 293, or a better than 2-to-1 ratio of the members of the House who voted in favor of the intelligence bill as reported by the committee.

I would just say this. We have to look at this in perspective. The intelligence bill is part of the defense bill. We have cut defense over the last 14 years every single year. The Director of the Central Intelligence Agency and the Secretary of Defense decide how much of the defense budget, which has been cut for 14 straight years, will be allocated to intelligence. We are not going to take money out here and put it over in Health and Human Services. That is just not what we are talking about.

If we cut the money out of intelligence, it is going to go to some other aspect of the defense bill, because it is part of the 050 function. I support all of these programs that the gentleman from Vermont is talking about.

We were here last night in support of education, and I agree with him that we need to protect Medicare and Social Security and the safety net. But we also have to protect our national security, and that is the foremost responsibility of the Federal Government.

I think the bill this year provides a prudent amount. There were 16 members of this committee, and from the

most liberal to the most conservative, every single one of them present in the committee voted to approve this bill.

I urge my colleagues to support this bill. We have done a responsible, balanced job, and I think this bill deserves the support of the House.

Mr. GOSS. Mr. Chairman, I just want to gather an understanding of where we are on the time left on the floor on either side.

The CHAIRMAN. The gentleman from Florida (Mr. GOSS) has 5 minutes remaining; the gentleman from Washington (Mr. DICKS) has 1 minute remaining.

Mr. GOSS. Mr. Chairman, does the distinguished gentleman from Washington have any other speakers?

Mr. DICKS. Mr. Chairman, I am prepared to yield back at this time.

Mr. GOSS. Mr. Chairman, I would just yield myself such time as I may consume to present a closing thought.

I would like to point out that the United States is a pioneer in legislative oversight in intelligence. I think the gentleman from Washington (Mr. DICKS) and I can both attest to the fact that we have met with parliamentarians from around the world whose countries are just beginning to take the first tentative steps toward independent oversight of intelligence activities. They are very interested to learn how our system works. I think we have the best system, the safest system, and a system where we can absolutely assure the citizens of the United States of America that things are under control.

I thank the gentleman from Washington (Mr. DICKS) for assisting in that, and if the gentleman is willing to yield back at this time, I am as well.

Mr. FARR of California. Mr. Chairman, I rise today in support of the Sanders Amendment to the Intelligence Authorization Act for FY 1999.

In the name of reducing deficit spending, Congress has slashed hundreds of billions of dollars from programs for education, health care, the elderly, and veterans. These cuts have left millions of the neediest Americans in even greater need. Yet when it comes to the intelligence budget, we are willing to spend tens of billions of dollars every year without meaningful reductions.

H.R. 3694 provides \$28 billion dollars for national intelligence programs. This enormous amount represents \$3 billion more than what we spend on food stamps, over 50% more than what we spend on medical care for veterans, and more than the total amount spent on child nutrition, special education, and Pell Grants combined.

We need to keep our budget priorities straight. The welfare of the American taxpayer should be more important than funding secret operations overseas. This amendment would reduce the intelligence budget by 5%; although a modest cut, it would at least ensure that the intelligence budget does not escape the same budget-cutting axe that has cut so many other government programs. I urge my colleagues to support this amendment.

Ms. MILLENDER-MCDONALD. Mr. Chairman, I rise to express my support for H.R.

3694, the Intelligence Authorization for FY 1999. However, my support is not without serious reservations, for I remain deeply concerned about allegations that have been raised regarding CIA involvement in drug trafficking in South Central Los Angeles and elsewhere. While I applaud Chairman PORTER GOSS, Ranking Member NORM DICKS, and the rest of the House Permanent Select Committee for convening a public hearing following release of Volume One of the Central Intelligence Agency Inspector General's report in response to the San Jose Mercury News' series "Dark Alliance", I have made my views about the shortcomings in this report known to the Committee and to the Agency. I am aware that Volume Two of the Inspector General's report, which deals with the more substantive issues regarding the extent of the relationship between the intelligence community and the Nicaraguan Contra resistance, has been provided to the Select Committee in classified form. I understand that it is being reviewed by the Central Intelligence Agency to determine whether any or all of it may be declassified. And, we are still awaiting release of Inspector General Michael Bromwich's report on the allegations of wrongdoing that may have occurred within branches of the U.S. Department of Justice.

However, I would like to take this opportunity to strongly urge CIA Director John Tenet and Chairman GOSS to do everything possible to declassify as much information in the report as possible as its subject matter goes to the heart of the issues raised by my constituents in the public meetings I convened following publication of the San Jose Mercury News series. I also urge Attorney General Janet Reno to release the I.G.'s report at the earliest possible opportunity. Failure to make this information public feeds the skepticism of the hundreds of constituents in my District who still want answers and who are encouraged by the Committee's expressed commitment to make public as much information as possible.

Furthermore, to fully appreciate our government's efforts to fight the scourge of narcotics, the public must understand its intricacies, including the role of interdiction and intelligence. Public release of the reports, followed by public hearings, and ultimately the conduct by the Committee of its own inquiry, will assist my constituents to evaluate the role of the Central Intelligence Agency played in balancing competing national priorities. Such a process will also give Members of Congress, as policy makers, the information necessary to make informed decisions about handling such issues in the future.

Consequently, I and my constituents continue to eagerly await the public release of the reports by the Inspectors General of Justice and CIA. I reiterate my hope that the Select Committee will give their content, methodologies and findings the scrutiny they deserve and in a similar spirit of openness, make themselves available to my constituents to respond to any questions these reports generate. I believe such openness is critical to restoration of the credibility and public trust necessary to allow intelligence gathering activities, which by their nature are secretive, to coexist with democracy.

Mr. CONYERS. Mr. Chairman, I want to take a few minutes to talk about some of the things that aren't being talked about enough. The war on drugs has come up several times

today. I think there's some compelling evidence to show how the culture of obsessive secrecy that is part of covert action cultivates an actual and implied climate of impunity.

The CIA's Inspector General, Fred Hitz, undertook a massive study into the CIA ties to drug traffickers. Upon completion of the first volume of the 600 page report, Hitz declared that they found "no evidence . . . of any conspiracy by the CIA or its employees to bring drugs into the United States." Then he announced that hardly any of his findings would be publicly available, casting a long shadow of doubt as to the scope and conclusions of the investigation. A second volume is still in the works.

The CIA's credibility when it comes to investigating itself was further brought into question when Hitz disclosed during recent testimony before the House Intelligence Committee that in 1982, the CIA and Attorney General William French Smith had an agreement that the CIA was not required to report allegations of drug smuggling by non-employees. Non-employees was explicitly interpreted to include unpaid and paid assets of the CIA, such as pilots and informants. The memorandum, dated February 11, 1982, states "no formal requirement regarding the reporting of narcotics violations has been included in these procedures", referring to the procedures relating to non-employee crimes. I want to compliment the gentlelady from California, Ms. WATERS, for her hard work on this topic and for obtaining this and other relevant memoranda. I ask you, though, is this the war on drugs that President Reagan launched?

Nobody here who advocates cuts to the intelligence budget or reforming this intelligence system gone haywire doubts for one second that the U.S. needs reliable information about exports of Russian missile technology or the trade in bacteriological warfare technology. I am a veteran and I know how important intelligence is. But doesn't the above information illustrate why the integrity of our intelligence system is in doubt?

The historical record shows that this culture of secrecy too often undermines our foreign and domestic interests.

In 1989, the Senate Subcommittee on Terrorism, Narcotics and International Communications, headed by Senator JOHN KERRY, found that "there was substantial evidence of drug smuggling through the war zone on the part of individual Contras, Contra suppliers, Contra pilots, mercenaries who worked with the Contra supporters throughout the region." Moreover, U.S. officials "failed to address the drug issue for fear of jeopardizing the war efforts against Nicaragua."

In other words, the drug war was subordinated to the cold war. This is right in line with what we've learned about the memorandum of understanding described above. I am inserting into the RECORD a list, compiled by the Institute for Policy Studies, which goes through other examples of the troubling history of our intelligence agencies.

A TANGLED WEB: A HISTORY OF CIA COMPLICITY IN DRUG INTERNATIONAL TRAFFICKING

WORLD WAR II

The Office of Strategic Services (OSS) and the Office of Naval Intelligence (ONI), the CIA's parent and sister organizations, cultivate relations with the leaders of the Italian Mafia, recruiting heavily from the New York and Chicago underworlds, whose

members, including Charles "Lucky" Luciano, Meyer Lansky, Joe Adonis, and Frank Costello, help the agencies keep in touch with Sicilian Mafia leaders exiled by Italian dictator Benito Mussolini. Domestically, the aim is to prevent sabotage on East Coast ports, while in Italy the goal is to gain intelligence on Sicily prior to the allied invasions and to suppress the burgeoning Italian Communist Party. Imprisoned in New York, Luciano earns a pardon for his wartime service and is deported to Italy, where he proceeds to build his heroin empire, first by diverting supplies from the legal market, before developing connections in Lebanon and Turkey that supply morphine base to labs in Sicily. The OSS and ONI also work closely with Chinese gangsters who control vast supplies of opium, morphine and heroin, helping to establish the third pillar of the post-world War II heroin trade in the Golden Triangle, the border region of Thailand, Burma, Laos and China's Yunnan Province.

1947

In its first year of existence, the CIA continues U.S. intelligence community's anti-communist drive. Agency operatives help the Mafia seize total power in Sicily and it sends money to heroin-smuggling Corsican mobsters in Marseille to assist in their battle with Communist unions for control of the city's docks. By 1951, Luciano and the Corsicans have pooled their resources, giving rise to the notorious "French Connection," which would dominate the world heroin trade until the early 1970s. The CIA also recruits members of organized crime gangs in Japan to help ensure that the country stays in the non-communist world. Several years later, the Japanese Yakuza emerges as a major source of methamphetamine in Hawaii.

1949

Chinese Communist revolution causes collapse of drug empire allied with U.S. intelligence community, but a new one quickly emerges under the command of Nationalist (KMT) General Li Mi, who flees Yunnan into eastern Burma. Seeking to rekindle anticommunist resistance in China, the CIA provides arms, ammunition and other supplies to the KMT. After being repelled from China with heavy losses, the KMT settles down with local population and organizes and expands the opium trade from Burma and Northern Thailand. By 1972, the KMT controls 80 percent of the Golden Triangle's opium trade.

1950

The CIA launches Project Bluebird to determine whether certain drugs might improve its interrogation methods. This eventually leads CIA head Allen Dulles, in April 1953, to institute a program for "covert use of biological and chemical materials" as part of the agency's continuing efforts to control behavior. With benign names such as Project Artichoke and Project Chatter, these projects continue through the 1960s, with hundreds of unwitting test subjects given various drugs, including LSD.

1960

In support of the U.S. war in Vietnam, the CIA renews old and cultivates new relations with Laotian, Burmese and Thai drug merchants, as well as corrupt military and political leaders in Southeast Asia. Despite the dramatic rise of heroin production, the agency's relations with these figures attracts little attention until the early 1970s.

1967

Manuel Antonio Noriega goes on the CIA payroll. First recruited by the U.S. Defense Intelligence Agency in 1959, Noriega becomes an invaluable asset for the CIA when he

takes charge of Panama's intelligence service after the 1968 military coup, providing services for U.S. covert operations and facilitating the use of Panama as the center of U.S. intelligence gathering in Latin America. In 1976, CIA Director George Bush pays Noriega \$110,000 for his services, even though as early as 1971 U.S. officials agents had evidence that he was deeply involved in drug trafficking. Although the Carter administration suspends payments to Noriega, he returns to the U.S. payroll when President Reagan takes office in 1981. The general is rewarded handsomely for his services in support of Contras forces in Nicaragua during the 1980s, collecting \$200,000 from the CIA in 1986 alone.

MAY 1970

A Christian Science Monitor correspondent reports that the CIA "is cognizant of, if not party to, the extensive movement of opium out of Laos," quoting one charter pilot who claims that "opium shipments get special CIA clearance and monitoring on their flights southward out of the country." At the time, some 30,000 U.S. service men in Vietnam are addicted to heroin.

1972

The full story of how Cold War politics and U.S. covert operations fueled a heroin boom in the Golden Triangle breaks when Yale University doctoral student Alfred McCoy publishes his ground-breaking study, *The Politics of Heroin in Southeast Asia*. The CIA attempts to quash the book.

1973

Thai national Puttapon Khamkhruan is arrested in connection with the seizure of 59 pounds of opium in Chicago. A CIA informant on narcotics trafficking in northern Thailand, he claims that agency had full knowledge of his actions. According to the U.S. Justice Department, the CIA quashed the case because it may "prove embarrassing because of Mr. Khamkhruan's involvement with CIA activities in Thailand, Burma, and elsewhere."

JUNE 1975

Mexican police, assisted by U.S. drug agents, arrest Alberto Sicilia Falcon, whose Tijuana-based operation was reportedly generating \$3.6 million a week from the sale of cocaine and marijuana in the United States. The Cuban exile claims he was a CIA protégé, trained as part of the agency's anti-Castro efforts, and in exchange for his help in moving weapons to certain groups in Central America, the CIA facilitated his movement of drugs. In 1974, Sicilia's top aide, Jose Egozi, a CIA-trained intelligence officer and Bay of Pigs veteran, reportedly lined up agency support for a right-wing plot to overthrow the Portuguese government. Among the top Mexican politicians, law enforcement and intelligence officials from whom Sicilia enjoyed support was Miguel Nazar Haro, head of the Direccion Federal de Seguridad (DFS), who the CIA admits was its "most important source in Mexico and Central America." When Nazar was linked to a multi-million-dollar stolen car ring several years later, the CIA intervenes to prevent his indictment in the United States.

APRIL 1978

Soviet-backed coup in Afghanistan sets stage for explosive growth in Southwest Asian heroin trade. New Marxist regime undertakes vigorous anti-narcotics campaign aimed at suppressing poppy production, triggering a revolt by semi-autonomous tribal groups that traditionally raised opium for export. The CIA-supported rebel Mujahedeen begins expanding production to finance their insurgency. Between 1982 and 1989, during which time the CIA ships billions of dollars

in weapons and other aid to guerrilla forces, annual opium production in Afghanistan increases to about 800 tons from 250 tons. By 1986, the State Department admits that Afghanistan is "probably the world's largest producer of opium for export" and "the poppy source for a majority of the Southwest Asian heroin found in the United States." U.S. officials, however, fail to take action to curb production. Their silence not only serves to maintain public support for the Mujahedeen, it also smooths relations with Pakistan, whose leaders, deeply implicated in the heroin trade, help channel CIA support to the Afghan rebels.

JUNE 1980

Despite advance knowledge, the CIA fails to halt members of the Bolivian militaries, aide by the Argentine counterparts, from staging the so-called "Cocaine Coup," according to former DEA agent Michael Levine. In fact, the 25-year DEA veteran maintains the agency actively abetted cocaine trafficking in Bolivia, where government official who sought to combat traffickers faced "torture and death at the hands of CIA-sponsored paramilitary terrorists under the command of fugitive Nazi war criminal (also protected by the CIA) Klaus Barbie.

FEBRUARY 1985

DEA agent Enrique "Kiki" Camarena is kidnapped and murder in Mexico. DEA, FBI and U.S. Customs Service investigators accuse the CIA of stonewalling during their investigation. U.S. authorities claim the CIA is more interested in protecting its assets, including top drug trafficker and kidnapping principal Miguel Angel Felix Gallardo. (In 1982, the DEA learned that Felix Gallardo was moving \$20 million a month through a single Bank of America account, but it could not get the CIA to cooperate with its investigation.) Felix Gallardo's main partner is Honduran drug lord Juan Ramon Mata Ballesteros, who began amassing his \$2-billion fortune as a cocaine supplier to Alberto Sicilia Falcon. (see June 1985) Mata's air transport firm, SETCO, receives \$186,000 from the U.S. State Department to fly "humanitarian supplies" to the Nicaraguan Contras from 1983 to 1985. Accusations that the CIA protected some of Mexico's leading drug traffickers in exchange for their financial support of the Contras are leveled by government witnesses at the trials of Camarena's accused killers.

JANUARY 1988

Deciding that he has outlived his usefulness to the Contra cause, the Reagan Administration approves an indictment of Noriega on drug charges. By this time, U.S. Senate investigators had found that "the United States had received substantial information about criminal involvement of top Panamanian officials for nearly twenty years and done little to respond."

APRIL 1989

The Senate Subcommittee on Terrorism, Narcotics and International Communications, headed by Sen. John Kerry of Massachusetts, issues its 1,166-page report on drug corruption in Central America and the Caribbean. The subcommittee found that "there was substantial evidence of drug smuggling through the war zone on the part of individuals Contras, Contra suppliers, Contra pilots, mercenaries who worked with the Contras supporters throughout the region." U.S. officials, the subcommittee said, "failed to address the drug issue for fear of jeopardizing the war efforts against Nicaragua." The investigation also reveals that some "senior policy makers" believed that the use of drug money was "a perfect solution to the Contras' funding problems."

JANUARY 1993

Honduran businessman Eugenio Molina Osorio is arrested in Lubbock Texas for supplying \$90,000 worth of cocaine to DEA agents. Molina told judge he is working for CIA to whom he provides political intelligence. Shortly after, a letter from CIA headquarters is sent to the judge, and the case is dismissed. "I guess we're all aware that they [the CIA] do business in a different way than everybody else," the judge notes. Molina later admits his drug involvement was not a CIA operation, explaining that the agency protected him because of his value as a source for political intelligence in Honduras.

NOVEMBER 1996

Former head of the Venezuelan National Guard and CIA operative Gen. Ramon Gullien Davila is indicted in Miami on charges of smuggling as much as 22 tons of cocaine into the United States. More than a ton of cocaine was shipped into the country with the CIA's approval as part of an undercover program aimed at catching drug smugglers, an operation kept secret from other U.S. agencies.

Mr. DICKS. Mr. Chairman, I yield back the balance of my time.

Mr. GOSS. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. All time for general debate has expired.

Pursuant to the rule, the amendment in the nature of a substitute printed in the bill, modified by striking section 401 and redesignating the succeeding sections, shall be considered as an original bill for the purpose of amendment under the 5-minute rule. Consideration shall proceed by title, and each title shall be considered read.

No amendment to the committee amendment is in order unless printed in the CONGRESSIONAL RECORD. Those amendments shall be considered read.

The Chairman of the Committee of the Whole may postpone until a time during further consideration in the Committee of the Whole a request for a recorded vote on any amendment, and may reduce to not less than 5 minutes the time for voting by electronic device on any postponed question that immediately follows another vote by electronic device, without intervening business, provided that the time for voting by electronic device on the first in any series of questions shall not be less than 15 minutes.

The Clerk will designate section 1.

The text of section 1 is as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) **SHORT TITLE.**—This Act may be cited as the "Intelligence Authorization Act for Fiscal Year 1999".

(b) **TABLE OF CONTENTS.**—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—INTELLIGENCE ACTIVITIES

Sec. 101. Authorization of appropriations.

Sec. 102. Classified schedule of authorizations.

Sec. 103. Personnel ceiling adjustments.

Sec. 104. Community management account.

TITLE II—CENTRAL INTELLIGENCE AGENCY RETIREMENT AND DISABILITY SYSTEM

Sec. 201. Authorization of appropriations.

TITLE III—GENERAL PROVISIONS

Sec. 301. Increase in employee compensation and benefits authorized by law.

Sec. 302. Restriction on conduct of intelligence activities.

Sec. 303. Application of sanctions laws to intelligence activities.

Sec. 304. Sense of Congress on intelligence community contracting.

TITLE IV—CENTRAL INTELLIGENCE AGENCY

Sec. 401. Extension of the CIA Voluntary Separation Pay Act.

Sec. 402. Enhanced protective authority for CIA personnel and family members.

Sec. 403. Technical amendments.

TITLE V—DEPARTMENT OF DEFENSE INTELLIGENCE ACTIVITIES

Sec. 501. Extension of authority to engage in commercial activities as security for intelligence collection activities.

The CHAIRMAN. Are there amendments to section 1?

If there are no amendments to section 1, the Clerk will designate title I.

The text of title I is as follows:

TITLE I—INTELLIGENCE ACTIVITIES

SEC. 101. AUTHORIZATION OF APPROPRIATIONS.

Funds are hereby authorized to be appropriated for fiscal year 1999 for the conduct of the intelligence and intelligence-related activities of the following elements of the United States Government:

- (1) The Central Intelligence Agency.
- (2) The Department of Defense.
- (3) The Defense Intelligence Agency.
- (4) The National Security Agency.
- (5) The Department of the Army, the Department of the Navy, and the Department of the Air Force.
- (6) The Department of State.
- (7) The Department of the Treasury.
- (8) The Department of Energy.
- (9) The Federal Bureau of Investigation.
- (10) The National Reconnaissance Office.
- (11) The National Imagery and Mapping Agency.

SEC. 102. CLASSIFIED SCHEDULE OF AUTHORIZATIONS.

(a) **SPECIFICATIONS OF AMOUNTS AND PERSONNEL CEILINGS.**—The amounts authorized to be appropriated under section 101, and the authorized personnel ceilings as of September 30, 1999, for the conduct of the intelligence and intelligence-related activities of the elements listed in such section, are those specified in the classified Schedule of Authorizations prepared to accompany the bill H.R. 3694 of the 105th Congress.

(b) **AVAILABILITY OF CLASSIFIED SCHEDULE OF AUTHORIZATIONS.**—The Schedule of Authorizations shall be made available to the Committees on Appropriations of the Senate and House of Representatives and to the President. The President shall provide for suitable distribution of the Schedule, or of appropriate portions of the Schedule, within the executive branch.

SEC. 103. PERSONNEL CEILING ADJUSTMENTS.

(a) **AUTHORITY FOR ADJUSTMENTS.**—With the approval of the Director of the Office of Management and Budget, the Director of Central Intelligence may authorize employment of civilian personnel in excess of the number authorized for fiscal year 1999 under section 102 when the Director of Central Intelligence determines that such action is necessary to the performance of important intelligence functions, except that the number of personnel employed in excess of the number authorized under such section may not, for any element of the intelligence community, exceed two percent of the number of civilian personnel authorized under such section for such element.

(b) **NOTICE TO INTELLIGENCE COMMITTEES.**—The Director of Central Intelligence shall

promptly notify the Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate whenever he exercises the authority granted by this section.

SEC. 104. COMMUNITY MANAGEMENT ACCOUNT.

(a) **AUTHORIZATION OF APPROPRIATIONS.**—There is authorized to be appropriated for the Community Management Account of the Director of Central Intelligence for fiscal year 1999 the sum of \$139,123,000. Within such amount, funds identified in the classified Schedule of Authorizations referred to in section 102(a) for the Advanced Research and Development Committee shall remain available until September 30, 2000.

(b) **AUTHORIZED PERSONNEL LEVELS.**—The elements within the Community Management Account of the Director of Central Intelligence is authorized 283 full-time personnel as of September 30, 1999. Personnel serving in such elements may be permanent employees of the Community Management Staff or personnel detailed from other elements of the United States Government.

(c) **CLASSIFIED AUTHORIZATIONS.**—

(1) **AUTHORIZATION OF APPROPRIATIONS.**—In addition to amounts authorized to be appropriated for the Community Management Account by subsection (a), there is also authorized to be appropriated for the Community Management Account for fiscal year 1999 such additional amounts as are specified in the classified Schedule of Authorizations referred to in section 102(a).

(2) **AUTHORIZATION OF PERSONNEL.**—In addition to the personnel authorized by subsection (b) for elements of the Community Management Account as of September 30, 1999, there is authorized such additional personnel for such elements as of that date as is specified in the classified Schedule of Authorizations.

(d) **REIMBURSEMENT.**—Except as provided in section 113 of the National Security Act of 1947, during fiscal year 1999, any officer or employee of the United States or a member of the Armed Forces who is detailed to the staff of the Community Management Account from another element of the United States Government shall be detailed on a reimbursable basis, except that any such officer, employee or member may be detailed on a nonreimbursable basis for a period of less than one year for the performance of temporary functions as required by the Director of Central Intelligence.

(e) **NATIONAL DRUG INTELLIGENCE CENTER.**—

(1) **IN GENERAL.**—Of the amount appropriated pursuant to the authorization in subsection (a), the amount of \$27,000,000 shall be available for the National Drug Intelligence Center. Within such amount, funds provided for research, development, test, and evaluation purposes shall remain available until September 30, 2000, and funds provided for procurement purposes shall remain available until September 30, 2001.

(2) **TRANSFER OF FUNDS.**—The Director of Central Intelligence shall transfer to the Attorney General of the United States funds available for the National Drug Intelligence Center under paragraph (1). The Attorney General shall utilize funds so transferred for the activities of the National Drug Intelligence Center.

(3) **LIMITATION.**—Amounts available for the National Drug Intelligence Center may not be used in contravention of the provisions of section 103(d)(1) of the National Security Act of 1947 (50 U.S.C. 403-3(d)(1)).

(4) **AUTHORITY.**—Notwithstanding any other provision of law, the Attorney General shall retain full authority over the operations of the National Drug Intelligence Center.

(f) **TRANSFER AUTHORITY FOR FUNDS FOR SECURITY REQUIREMENTS AT OVERSEAS LOCATIONS.**—

(1) **IN GENERAL.**—Of the amount appropriated pursuant to the authorization in subsection (a), the Director of Central Intelligence may transfer funds to departments or other agencies for the

sole purpose of supporting certain intelligence community security requirements at overseas locations, as specified by the Director.

(2) **LIMITATION.**—Amounts made available for departments or agencies under paragraph (1) shall be—

- (A) transferred to the specific appropriation;
- (B) allocated to the specific account in the specific amount, as determined by the Director;
- (C) merged with funds in such account that are available for architectural and engineering support expenses at overseas locations; and
- (D) available only for the same purposes, and subject to the same terms and conditions, as the funds described in subparagraph (C).

AMENDMENT NO. 2 OFFERED BY MR. SANDERS

Mr. SANDERS. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 2 offered by Mr. SANDERS: At the end of title I, add the following new section:

SEC. 105. LIMITATION ON AMOUNTS AUTHORIZED TO BE APPROPRIATED.

(a) **LIMITATION.**—Except as provided in subsection (b), notwithstanding the total amount of the individual authorizations of appropriations contained in this Act (including the amounts specified in the classified Schedule of Authorizations referred to in section 102), there is authorized to be appropriated for fiscal year 1999 to carry out this Act not more than 95 percent of the total amount authorized to be appropriated by this Act (determined without regard to this section).

(b) **EXCEPTION.**—Subsection (a) does not apply to amounts authorized to be appropriated for the Central Intelligence Agency Retirement and Disability Fund by section 201.

Mr. SANDERS. Mr. Chairman, this amendment is also being offered by the gentleman from Oregon (Mr. DEFAZIO); the gentleman from New York (Mr. OWENS); and the gentleman from California (Mr. STARK).

Mr. Chairman, this amendment cuts the intelligence budget by 5 percent from the level authorized for fiscal year 1999, while still protecting the CIA retirement and disability fund. Although this year's amount authorized by the bill is classified, we do know that last year's budget was \$26.7 billion, which means that this amendment would cut approximately \$1.3 billion from the intelligence agencies.

Mr. Chairman, this amendment truly speaks to what we are as a Nation and who we are as a people. It speaks to whether the Congress of the United States is here to represent the ordinary people of America, the middle class, the working families, the children, the veterans, the seniors, or whether we are here to continue representing very powerful special interests within the military-industrial complex, the force that President Dwight D. Eisenhower warned us about 40 years ago.

Mr. Chairman, it is no secret that the United States today is becoming two very separate nations. On the top we have people who are enjoying incredible wealth. In fact, the wealthiest 1 percent is today better off than at any time in the modern history of this

country. We have people like Bill Gates, himself, alone, who owns more wealth than the bottom 40 percent of households in America. One man owns more wealth than the bottom 40 percent of our households.

In recent years, we have seen a proliferation of millionaires and billionaires, but Mr. Chairman, there is another reality in America today, and that is that the middle class continues to shrink, that the wages of the average American worker are 15 percent less than they were 25 years ago, that 40 million Americans have no health insurance, that millions of senior citizens cannot afford the prescription drugs they desperately need.

□ 1315

That millions of our families cannot afford to send their kids to college. That food shelters and emergency shelters are seeing a large increase in the hungry and the homeless who come to them for help. That is the issue that we are talking about today.

We are not just talking about the intelligence budgets. We have to put that into the context of the needs of all the people in this country.

Mr. Chairman, how can we increase funding for an already bloated intelligence budget at exactly the same time as some propose major cuts for millions of low- and moderate-income citizens? How is it okay to say more for the intelligence budget at the same time as this Congress cut \$115 billion from Medicare? Tell the senior citizens of this country whose benefits we have cut back on.

How can we look our veterans in the face when in last year's balanced budget agreement we cut funding for veterans programs by 19 percent; when we cut the administration of Social Security by 23 percent; when just last week we cut \$2.3 billion in affordable housing, despite the housing crisis experienced by so many Americans.

Mr. Chairman, even in Washington the \$1.3 billion that we cut from the intelligence budget is a lot of money, and let me tell my colleagues what we can purchase with that \$1.3 billion if we get our priorities straight.

In Vermont and throughout this country, seniors are finding it difficult to pay for their prescription drugs. Legislation has been offered which would provide up to \$500 each in prescription drug assistance for seniors. This \$1.3 billion that we cut from a bloated intelligence budget could provide 2,600,000 seniors up to \$500 each in their prescription drug assistance.

Are my colleagues going to go back to their districts and tell their senior citizens who are struggling to ease their pain that we cannot cut \$1.3 billion from the intelligence budget when we can provide 2.6 million of them help for their prescription drugs?

Mr. Chairman, there are 808,000 homebound seniors who receive the excellent Meals on Wheels program supported widely in this Congress. This

\$1.3 billion could double the number of seniors who receive this help. These are elderly people at home, long waiting list for the Meals on Wheels program. We could double the number.

The CHAIRMAN. The time of the gentleman from Vermont (Mr. SANDERS) has expired.

(By unanimous consent, Mr. SANDERS was allowed to proceed for 3 additional minutes.)

Mr. SANDERS. Mr. Chairman, nearly 1 million college students could receive Pell Grants to assist them going to college. Just yesterday we passed the education bill. I voted for it, but remember the authorization is nowhere near equal to the appropriation.

We have millions of middle-class families in this country who cannot afford to send their kids to college. And are my colleagues so sure that it makes sense for the security of this country, for the intelligence of this country, that it is more important to vote another \$1.3 billion than it is to provide nearly a million kids in this country with Pell Grants?

Nine hundred sixty-nine thousand families could benefit from Section 8 housing programs if we cut that \$1.3 billion. In the State of Vermont, we have a long waiting list for Section 8. That is true all over this country. Two hundred forty thousand more children could attend the Head Start program if we cut this \$1.3 billion.

So, Mr. Chairman, what I would just like to say at this point is that the Cold War is over. We do need an intelligence budget, but there is very ample evidence that the budget that we are being asked to support today is bloated.

I would say to my friends who are the deficit hawks who get up here every day and who say cut, cut, cut, if they are going to cut Medicare, if they are going to cut Medicaid, if they are going to cut veterans programs, if they are going to cut housing, take a look at the intelligence budget.

Mr. SPENCE. Mr. Chairman, I rise in opposition to the amendment.

(Mr. SPENCE asked and was given permission to revise and extend his remarks.)

Mr. SPENCE. Mr. Chairman, the gentleman from Vermont made reference to getting our priorities straight. What is a higher priority than defending the lives of all the people of this great country? We are talking about cutting today. I would like to remind the gentleman that the defense budget, which includes the intelligence budget, has taken all the cuts in recent years. Spending has gone up for everything else except defense.

Let me dwell on that for a minute. I do not think people realize the extent to which we have cut back on our military and our intelligence-gathering agencies, the impact these cuts have had on our national defense. And yes, in a world where the Cold War is over, but in many ways a more dangerous world today than it was during the

Cold War. And I will tell my colleagues why. Because people do not realize what we have done to ourselves. We have done to our military and to our intelligence agencies what no foreign power has been able to do. We have been decimating our own defenses.

That is unforgivable, Mr. Chairman. In this dangerous world in which we are living, when not tomorrow but tonight, today, at any minute, this whole world could explode for us. It is just that serious. And here we are fat, dumb, and happy going about our merry ways, not concerned about what could happen to us. Let me tell my colleagues what could happen to us.

In this day and time you do not have to be a superpower to raise the horrors of mass destruction warfare on people. It could be a Third World country, a rogue nation, or a terrorist group for that matter. They can put together weapons of mass destruction in laboratories in inexpensive low-tech ways. They can marry these weapons of mass destruction with cruise missiles, which can be bought across borders. They can launch them from various platforms, airplanes, submarines, ships, tugboats, extending the range to the extent that it brings everyone under the threat of weapons of mass destruction.

These weapons of mass destruction are chemical, biological, bacteriological. Can my colleagues imagine having to defend against these kinds of weapons, hideous weapons? Anthrax could be released in the air over Washington, D.C. in a simple way, killing hundreds of thousands of people, and we could not inoculate people fast enough to prevent anything happening to them. That could happen at any time and people are talking about cutting back on our ability to defend against these things or to prevent them from happening. It is unconscionable to even think about it. It borders on leaving our country defenseless when confronting the enemy and all the dangers that we are facing as a country.

Aside from those weapons of mass destruction, we face all kinds of threats from various sources. This is a very dangerous world. We have to do more instead of less in defending our country and our people.

Mr. Chairman, I would urge my colleagues to let reason come to this debate. Think it through. Vote down overwhelmingly this senseless amendment.

Mr. DEFAZIO. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise in support of the amendment. The gentleman from South Carolina (Mr. SPENCE) made some excellent points. The whole world, it is a dangerous world. It could explode at any moment. The question, given the past performance of our intelligence agencies is whether they could tell us about the world exploding before or after the fact or even recognize it after the fact. The disintegration of the Soviet Union, they could

not predict that. The invasion of Kuwait with the Iraqis massed on the border, they could not predict that. Even the horrible tragedy which was mentioned earlier of the killing by terrorists of our troops, that was not prevented and it certainly was not predicted.

These are horrible things that have happened and the intelligence agencies have not exactly been ahead of the curve. They are engaged in acquiring ever greater technology at ever greater expense and more and more money, as opposed to becoming more efficient and more effective, finely honed, leaner and meaner, getting the intelligence we really need and our Armed Services really need to defend our people.

The gentleman talked about defending our people against chemical-biological attack. We just had an assessment about that. There is no preparation in this country. We are not investing in the civilian law enforcement agencies, the emergency response, the vaccines, and the other things we should be stockpiling to respond. But we are spending money on incredible satellite systems and the satellite systems are gathering so much data that 60 percent of it is never analyzed.

Mr. Chairman, we wonder if they have got up to the point yet of analyzing the data that shows whether or not there is still a Berlin Wall. Just a couple of years ago, the National Security Agency, in doing a cursory review of its books, found that it had an extra \$4 billion in accounts which it had secreted around, more than the annual budget perhaps, but that is a classified number so we do not know. But probably more than its annual budget, they had secreted it in various accounts and no one knew anything about it.

So that speaks to me, and I think to other Members of Congress, that perhaps there is a little bit too much money washing around over there if they can misplace \$4 billion. We are investigating misappropriations of hundreds of dollars or thousands of dollars regularly, and rising to those issues.

Mr. DICKS. Mr. Chairman, will the gentleman yield?

Mr. DEFAZIO. I yield to the gentleman from Washington.

Mr. DICKS. Mr. Chairman, the gentleman has always been accurate. He said the NSA. He meant the NRO, and I ask him to correct that.

Mr. DEFAZIO. Mr. Chairman, reclaiming my time, excuse me. I thank the gentleman for correcting me. I meant the NRO, not the NSA. That is part of the problem with this debate. This is not a debate which really takes place very often on the floor of the House, and does not take place in full light with full accountability to the public. We know last year's number. We know how much money we spent last year. But we cannot talk about how much money we are going to spend this year. We cannot talk about the number which we are debating here on the floor today. We cannot talk about

whether it is an increase or decrease from last year's number because we have last year's number.

It used to be at least we could talk about the percentage increase of the secret number, but now since we know what the number was, we cannot even talk about what percentage increase or decrease it might be in this year's budget. But we are debating it here on the floor and we do have some confusing acronyms, NRO, NSA, DIA, CIA, and others which we cannot even mention which are involved.

The point that I am trying to make, and I think others here are, no, we do want to have a robust intelligence service, but we want to have one that is reorganized, that is not territorial, oriented towards preserving their own separate bureaucracies, but one which is better integrated, one which is more efficient, more effective, and provides realtime data that is of use both to our military services, our civilian law enforcement agencies, and in the defense of the people of the United States of America.

I believe we could do that with more scrutiny instead of having this absurd debate every year where we do not know what we are debating. Let us talk about the individual components of this budget and what they are spending it on. There is no one in the world who can benefit from knowing that. In fact, our potential enemies already know it, but the American people cannot know it and the elected officials cannot know it and they cannot speak about it and debate it on the floor.

Mr. Chairman, that is an absurdity and that is what the debate is about today. If they could defend their numbers and defend them category by category as we do every other department of the United States of America, including the Pentagon and the Defense Department, then there would be a fair debate and the numbers that the gentleman cited in support of that budget would be fair numbers. But those are numbers where the Members did not even know what they were voting on. That happens fairly often around here, but this is one for sure that they did not know what they were voting on.

So I would urge my colleagues to support this amendment to cut the amount of money, whatever it is, by 5 percent and make these agencies more efficient, more effective, and better protect the people of the United States.

Mr. YOUNG of Florida. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, the previous speaker talked about a lot of complaints that he had about our intelligence community and I think we would all admit they are not perfect. As he was speaking, it reminded me of a trip that I made driving home to Florida one time. I came upon a group of young kids that were on a hay ride. And the hay ride wagon had red, white, and blue bunting and American flags and the kids were having a good time packed up on the bales of hay.

□ 1330

It had this big banner across the back of the wagon, and it said "America, we ain't perfect, but we ain't through yet." I would apply that to the argument that the gentleman just made.

Our intelligence community is not perfect. There are problems. This bill directs itself to many of those problems, to solve many of those solutions. That is what we intend to do with this bill.

What I really wanted to mention is that I listened to the comment of my friend, the gentleman from Vermont (Mr. SANDERS) about senior citizens. He listed a lot of things that we could do if we did not do something else. You could make that argument about anything that we do in here.

Let me tell you this. I represent one of the largest groups of senior citizens of anybody in this body. And those senior citizens are old enough to remember a time in our history that was devastating to us, that was devastating to our morale, and that killed an awful lot of young Americans.

I am talking about a lack of intelligence, poor preparation for intelligence, lack of information that we needed when Pearl Harbor was attacked in 1941. That was a long time ago, and a lot of people do not remember that, but those senior citizens that the gentleman from Vermont (Mr. SANDERS) talks about, they remember that.

I hear it on a regular basis when I am home in my district talking about defense issues and veterans issues; and that is, let us do not ever get ourselves in a position where we are not prepared to either know about an attack of that type or be prepared to do something about it.

The world is different today in 1998 than it was in 1941. In 1941, we did not have intercontinental ballistic missiles aimed at each other across the oceans. We did not have submarines carrying nuclear warheads within range of the United States of America, any city in the United States of America. We did not have satellites, and we did not have space shuttles and things of this nature.

In 1941, we had a little time to put it back together. Although we lost thousands and thousands of young Americans, we lost in the beaches of the Pacific and the frozen battle grounds of Europe; and, finally, we turned the tide, and we came back to life, and we defeated the enemy, and we prevailed, and freedom prevailed.

Just think, had our intelligence been adequate then, we might not have had to suffer the terrible tragedy of Pearl Harbor. Let us not let that happen again. Let us keep our eyes and ears as sharp as they can possibly be. Let us be prepared in the event someone is determined to do something that would be adverse to us and our national interest and, more importantly, the people of our great Nation.

Mr. DICKS. Mr. Chairman, will the gentleman yield?

Mr. YOUNG of Florida. Yes, I am happy to yield to my friend, the gentleman from Washington.

The CHAIRMAN. The time of the gentleman from Florida (Mr. YOUNG) has expired.

(On request of Mr. DICKS, and by unanimous consent, Mr. YOUNG of Florida was allowed to proceed for 2 additional minutes.)

Mr. DICKS. Mr. Chairman, if the gentleman will continue to yield, the gentleman makes an important point in that we have to be prepared with what we have today. We are not going to have time to go out and build all the things that we may need in our next conflict.

My colleague, the gentleman from Oregon said that in the Gulf War, we had an intelligence failure. That simply is not true. The President said after the invasion of Kuwait was that he had 2 days of actionable warning from the intelligence community; and that is a fact.

The problem was, and this is what happens sometimes in these crises, we did not act on that intelligence, because we were told by other people who were allies in that region that Saddam would not invade. But there was, in fact, warning there; and I want to make that point. Part of the reason why we had the warning is because we had our intelligence apparatus in place.

I would also say, in very general terms, we had a tremendous military victory because we had an intelligence advantage in the Gulf War that allowed that victory to occur quickly, decisively, saving American lives, saving the lives of the allies, and saving money, actually, for the taxpayers.

By having intelligence superiority, as Colin Powell said, you can provide overwhelming military force and end the conflict rapidly. That is why I have always believed that having a strong defense is the right thing to do; because, as you go back and look in our history, look at Korea, another example where we were unprepared, did not have the right training, did not have the people ready to go, and we almost got run off the peninsula. That was another problem where we were both militarily weak and did not have good intelligence. It would be a mistake of vast proportions to undermine the intelligence community, to undermine the defense of this country.

We have already cut defense and national security by \$115 billion.

The CHAIRMAN. The time of the gentleman from Florida (Mr. YOUNG) has again expired.

Mr. DICKS. Mr. Chairman, I ask unanimous consent that the gentleman from Florida (Mr. YOUNG) have an additional minute.

The CHAIRMAN. Is there objection to the request of the gentleman from Washington?

Mr. OWENS. Mr. Chairman, I object.

The CHAIRMAN. Objection is heard.

Mr. DICKS. Mr. Chairman, I move to strike the requisite number of words.

My view of this is that we have already cut defense by \$115 billion from the high point back in 1985. That means that we have reduced that overall budget from about \$365 billion a year to \$250 billion a year. We are not even keeping up with inflation.

There has been a judgment made by the Secretary of Defense and the Director of Central Intelligence about how much of that roughly \$250 billion is going to go into intelligence.

This committee, 16 Members; 9 Republicans, 7 Democrats, have held exhaustive hearings into every aspect of that budget. We have a highly professional staff that looks into it all. We have come to a unanimous conclusion that the amount that has been requested by the chairman in his markup is the right amount.

Let us fight in other venues to take money and use it for what the gentleman from Vermont talked about. I am for all those programs. But I do not think we should try to cut it out here. If it was taken out of the authorization for intelligence, all it would do is wind up being spent for other defense items. That is the reality of this. It is a nice idea, but it simply will not work.

Mr. SANDERS. Mr. Chairman, will the gentleman yield?

Mr. DICKS. I yield to the gentleman from Vermont.

Mr. SANDERS. Mr. Chairman, I want to make a brief statement just on that. You are aware that just last week when we voted for disaster relief, which virtually everybody supported, suddenly out of nowhere came an offset from disaster relief to cut \$2.2 billion in housing.

It seems to me that if this Congress has the capability of cutting affordable housing for disaster relief, we also have the capability of working together and making sure that when we cut intelligence spending, it goes to people in need, middle-class and working families.

Mr. DICKS. Mr. Chairman, what I say to my good friend is this, we have cut defense over the last 15 years by \$115 billion. That is how we balanced this budget. Defense has already been cut. I think there are a lot of other parts of this budget that ought to be looked at.

Mr. SANDERS. I suggest to my friend, the gentleman from Washington, we are spending \$267 billion this year on defense in addition to our NATO allies and all their expenditures in addition to the intelligence. That is a lot of money.

Mr. FRANK of Massachusetts. Mr. Chairman, will the gentleman yield?

Mr. DICKS. I yield to my friend, the gentleman from Massachusetts.

Mr. FRANK of Massachusetts. Mr. Chairman, I thank the gentleman for yielding. He pointed out that there has been a reduction from what seemed to me a greatly swollen budget under Secretary Weinberger, but it is down about 30 percent. At the same time, we have had the collapse of the Soviet Union.

The defense is to deal with our enemies. I wonder if he believes that we are, in fact, facing less of a military threat today than we were in 1985? I wonder if he would quantify that.

Mr. DICKS. If the gentleman would give me a chance, I would respond to that. I say yes, we are facing less of a ground-based military threat from the Soviet Union.

Mr. FRANK of Massachusetts. Only ground-based? Does the gentleman think the Soviet air and sea power is the same?

Mr. DICKS. Sea power and air power, yes, basically the threat from conventional forces has been reduced.

That is one reason why we have cut the defense budget, because we think we can go to a lower level. But I would say to my friend, the gentleman from Massachusetts, that there are other problems out there.

We have got Iran. We have got Iraq. We have got North Korea. We have got the problems of China. We have got instability in Russia today that I worry about. They still possess thousands of nuclear weapons. We are taking some risk here in cutting back on our defenses.

Mr. FRANK of Massachusetts. Mr. Chairman, would the gentleman yield?

Mr. DICKS. Mr. Chairman, I only have a little bit of time here, but I yield again to the gentleman from Massachusetts.

Mr. FRANK of Massachusetts. Mr. Chairman, let me say to the gentleman, the basic point I want to make is it seems to me very much a partial picture to talk about the reduction in the defense spending without talking about the concomitant reduction in the need for defense spending.

I have to say that if you look at the Soviet Union today, not just in conventional, but you have got the defection of the nuclear parts that were in Ukraine and Belarus, the Soviet Union today is far less than two-thirds as threatening to us as it was in 1985. There has been, I believe, a diminution in the external threat we faced greater than the diminution in the defense budget.

Mr. DICKS. Mr. Chairman, I would say to the gentleman from Massachusetts I think there are still areas in the defense budget that can be cut; that is why I have supported BRAC.

Mr. FRANK of Massachusetts. Mr. Chairman, if the gentleman will yield, let us get out a news flash.

Mr. DICKS. I know.

Mr. FRANK of Massachusetts. I think we may get an extra here.

Mr. DICKS. Mr. Chairman, there are some areas in base closure where we can do some other cuts. I would like to take that money, frankly, and put it into modernization where the chairman of the Joint Chiefs and all the service chiefs have written a letter to the Secretary of Defense saying we should be, instead of being at \$43 billion a year, be at \$60 billion. We are not there.

We went through this before, after the Vietnam War, when we created a hollow force, and then it opened the door for Mr. Reagan to come in and say we have to vastly increase defense spending because we did not handle this properly. We did not develop an adequate force.

Mr. Chairman, I am not going to ask for any additional time because I know my colleagues will not appreciate it.

Mr. FRANK of Massachusetts. We wish you would not ask for additional money.

Mr. HYDE. Mr. Chairman, I move to strike the requisite number of words.

(Mr. HYDE asked and was given permission to revise and extend his remarks.)

Mr. HYDE. Mr. Chairman, I do not want to be redundant. It has been well said by many Members here in defense of the budget and in opposition to the well-intentioned but I think unwise amendment of the gentleman from Vermont (Mr. SANDERS).

I think the thing to remember is that we have a Permanent Select Committee on Intelligence in the House and in the Senate. It is peopled by sensitive, patriotic, intelligent, budget-minded people. They have done their job. They have looked at the budget, program by program by program.

We are not dealing with the CIA. We are dealing with the intelligence community, including the CIA, the FBI, the DIA, et cetera, et cetera, et cetera. There are a myriad of programs, all requiring some study to understand if they are cost-effective or not.

They have done their job. The Senators will do their job. The conferees will do their job. But to come in and try to perform brain surgery with a croquet mallet, with an across-the-board 5 percent cut, makes a political statement but it does real damage to the defense of our country.

Yes, a lot of seniors, a lot of children can benefit by increased domestic spending, but we all benefit, including children, including seniors, from a secure and peaceful world.

Yes, the Cold War is over, but let me suggest to you the bear is only sleeping. The forest is full of snakes and other dangerous animals. There are 13 ICBMs trained on us from the People's Republic of China. I have not heard that all of the intercontinental nuclear missiles are disabled in the former Soviet Union. Narco-terrorism, terrorism, technological developments have made this a much more complicated world in terms of staying ahead of the curve.

Mr. FRANK of Massachusetts. Mr. Chairman, will the gentleman yield?

Mr. HYDE. I yield to the gentleman from Massachusetts.

Mr. FRANK of Massachusetts. Mr. Chairman, I thank the gentleman for his disquisition of what the bear is doing in the forest, but I do have a question.

Mr. HYDE. Was the gentleman not interested in the snakes either?

Mr. FRANK of Massachusetts. No, that is not under our committee's jurisdiction as I last looked, Mr. Chairman.

Mr. HYDE. I thought you were an expert on the subject.

Mr. FRANK of Massachusetts. My question was this: You said that because we have a committee composed of intelligent, patriotic Americans, we should not be for an across-the-board cut. My recollection is that in the past, the gentleman from Illinois has voted for across-the-board cuts. Did that reflect his lack of respect for the members of those committees?

Mr. HYDE. Not at all. I think sometimes it is important to make a statement and sometimes it is not. This is not the time to make a statement. This is a time to recognize the sensitivity, the importance, the significance, and the intention which the Permanent Select Committee on Intelligence of both bodies give to this issue and to prefer that looking at these things in depth, understanding the consequences of emasculating them by across-the-board cuts, I think that is so important and I think it is the right way to do it.

Mr. Chairman, I yield, again, to my friend from Massachusetts for whatever illumination he chooses to give us.

Mr. FRANK of Massachusetts. Mr. Chairman, I appreciate the gentleman's point, and I think it is important to remember he apparently dismisses the notion of across-the-board cuts as simply making statements. I think we ought to have that down on the record, that his view is that an across-the-board cut is simply for the purpose of making a political statement and is apparently never a serious legislative answer.

□ 1345

Mr. HYDE. No, sir, not at all. My position is sometimes it is appropriate and sometimes it is not. This is inappropriate.

So I simply suggest that we trust our committee. And, by the way, when we talk about cutting defense, I heard the other day there are soldiers and their families on food stamps. We ought to be ashamed of ourselves if that is true.

Mr. SANDERS. Mr. Chairman, will the gentleman yield?

Mr. HYDE. I yield to the gentleman from Vermont. Beautiful Vermont. Not that Massachusetts is so bad.

Mr. SANDERS. I would, by the way, agree with the gentleman about the shame of having our soldiers on food stamps, and maybe we should put more money into their needs and less into B-2 bombers. But that is another story.

The point I want to make is the gentleman raised China as a potential threat. I am not here to be on an anti-China kick. But I would point out to the gentleman that this Congress voted MFN status for China; that corporate America is putting tens of billions of dollars into bolstering the China economy rather than reinvesting in America.

Mr. HYDE. Reclaiming my time, Mr. Chairman, I would say to the gentleman that some of us did and some of us did not. I stand with those who did not.

I thank the gentleman for his kind attention.

Mr. OWENS. Mr. Chairman, I move to strike the requisite number of words.

(Mr. OWENS asked and was given permission to revise and extend his remarks.)

Mr. OWENS. Mr. Chairman, I rise in favor of the amendment, and I want to thank my colleague from Vermont (Mr. BERNARD SANDERS) for leading this annual dialogue with the American voters. Unless we raised these questions, one would never know that the CIA budget is about \$30 billion, and there are no questions raised outside of the very closed circle of the people on the Permanent Select Committee on Intelligence.

The Permanent Select Committee on Intelligence represents one of those command and control operations of the type which brought down the Soviet Union. There is a close circle of people who have a vested interest in keeping something going. They have no outside criticism. Nobody even knows what they are doing.

Other intelligence communities have opened up, even the Soviet Union has opened up information about its intelligence operations, but we still have a secret operation which perpetuates itself.

I want to thank the gentleman from Vermont for offering the American people 130 schools. We can build a state-of-the-art school for \$10 million. \$1.3 billion would give us 130 schools. Why not take the \$1.3 billion out of the budget of this organization, which clearly has far more money than it needs at this time? The budget is about the same level it was at the time of the evil empire of the Soviet Union.

They clearly do not know what to do with all the money because, and nobody ever explains this to us from the committee, they had a petty cash problem. They lost \$2 billion in their book-keeping. Found they had \$2 billion more than they knew they had a few years ago. A couple of years ago. Actually, it was \$4 billion. After the first announcements were made, nobody noticed that later on they came and said, well, actually we found \$4 billion. Four billion dollars, and nobody on the Permanent Select Committee on Intelligence has ever bothered to explain that to us or to the American voters. What happened to \$4 billion? How can you lose \$4 billion? That is a lot of schools.

So we have an agency that probably is very much needed. Nobody says we want to get rid of it. All we are talking is a 5 percent cut, a 5 percent cut to say discipline yourself, take care of your petty cash better and build 130 schools.

We can break this circle of closed decision-making, the command and con-

trol operation, that whole spirit of cloak-and-dagger operation where they will not let us see the whole budget. If a Member of Congress goes to look at this budget, he is duty bound never to speak about it again. What kind of cloak-and-dagger operation is that, that we need at this time in the life of the globe?

There are some people who know the secrets of the CIA because they get it from the members of the CIA. All the people that Aldridge Ames, remember Aldridge Ames? They do not talk about him very much, but he was a top-ranking CIA person in charge of the Soviet Union and Eastern Europe, and he turned out to be a guy who was a hustler. For a few dollars, a few million dollars, he was telling the enemy everything they needed to know. We cannot find out here, but Aldridge Ames was telling them.

Now they have a mentally unstable ex-policeman. An ex-policeman who his colleagues, in the former police department where he came from, said this guy was a nut. How did he ever get in the CIA? He is divulging our code secrets. He has divulged. He is now arrested, and there is a lot being said about him and a lot not being said about him. So we do not know what damage he has done. But he has divulged the codes and the whole cryptology and a whole bunch of very secret things the enemy knows, because the CIA is so incompetent it allows these kinds of things to get out.

So we are dealing with wasteful spending and a closed circle of Permanent Select Committee on Intelligence members who are determined to perpetuate wasteful spending. It is part of their religion. It is a dogma. They go on and on and not looking closely at what they are spending the money for.

There is big spending and there is wasteful spending. Democrats often get accused of being big spenders. Big spenders are the people who want to keep the Social Security system going. Big spenders are the people who want to spend money for Medicare, Medicaid, Title I. Big spenders are people who want to use the American resources for the greatest number of people.

Blind spenders, wasteful spenders, are the kind of people on the Republican majority that say we should spend \$10 billion for an investigation that is going nowhere in the case of campaign finance reform. They do not want to talk about campaign finance reform, they just want to dig up dirt, play around and release tapes.

Ten billion dollars. That is one whole school that will be taken away as a result of wasteful spending for an investigation. The CIA and its continued big budget represents the same kind of wasteful spending.

Republican wasteful spending is one thing that the voters need to take a hard look at. Do not listen to people who talk about big spending. If we ask them what they are spending the

money for, we will find out whether it is big spending, blind spending, or wasteful spending.

We are, Democrats as well as Republicans, very much conscious of the label of being big spenders. A lot of Democrats who are labeled as big spenders, if they do not want to stay with the label, here is an opportunity for my fellow colleagues, Democrats and Republicans. Here is an opportunity to send a message to our constituents. We can send a message to the voters that we will not be a wasteful spender. We will not go on and perpetuate the budget of the CIA, the secret budget that nobody can really know. We will not go on. We will at least cut it 5 percent and give America 130 schools. One hundred thirty schools to America.

Mr. BEREUTER. Mr. Chairman, I move to strike the requisite number of words, and I rise in opposition to the amendment.

Mr. Chairman, we have had a lot of interesting rhetoric here, and I think that, in a charitable mood, generous mood, maybe, that this kind of debate each year is salutary, because it is an opportunity for members who do not serve on the Permanent Select Committee on Intelligence to ask questions of those who do.

I think, despite what the gentleman said, perhaps in a little bit of overblown rhetoric, the gentleman from New York, this is not a command and control operation of the Soviet Union. The kind of oversight that the House and Senate give to the intelligence operations of the United States is the best among all the parliamentary bodies in the world.

Mr. OWENS. Mr. Chairman, will the gentleman yield?

Mr. BEREUTER. I yield to the gentleman from New York.

Mr. OWENS. Would the gentleman take time to tell us about the \$4 billion in petty cash funds that were lost? Could the gentleman tell us about the unstable ex-policeman who has now been arrested? Can the gentleman expound on these subjects?

Mr. BEREUTER. Reclaiming the balance of my time, the gentleman had his 5 minutes.

Mr. OWENS. Well, the gentleman should not waste his on rhetoric. Give us some information.

Mr. BEREUTER. I am not a member of the Permanent Select Committee on Intelligence. I do not expect to respond to the gentleman's questions.

My understanding, Mr. Chairman, is the money has been recovered. It is not lost.

In any case, what I want to say is that countries from around the world send their parliamentary bodies to try to understand how we conduct oversight of the intelligence functions of our government, and they do that because of the quality of what is done by the people appointed by the minority leader and the Speaker of this House.

Now, they choose people who they think will give the interest, the com-

petence, the time, and have the intense focus necessary to give oversight to these important functions of the Federal Government.

We have a limitation. First 6 years, now 8 years, like the other body, on the length of time that Members can serve on the intelligence committees, and that is so that these Members do not become co-opted by the agencies over which they conduct oversight. That is a protection for all of us.

Now, I have been a member of the Permanent Select Committee on Intelligence. I do not serve there any longer because of that term limitation. I spend a lot of my time on foreign policy and trade issues, and I want to speak to my colleagues from that perspective today.

Mr. Chairman, our policymakers, from the President on down, depend upon accurate and timely intelligence when making their most critical decisions. The Secretary of State relies on the information to assist her in crafting foreign policy, to judge the performance of that policy and, as added ammunition, during crucial international negotiations. It is true of the STR, it is true of the Treasury Secretary, it is true of the Department of Defense.

In fact, the Secretary of Defense needs political and military intelligence in order to deploy troops and plan for future military needs. And the list goes on. For all these leaders, intelligence is a vital tool that enables them to respond to crises and to anticipate future needs. A broad cut to our intelligence capabilities would hamper our government's abilities in these areas.

The sponsors of this amendment argue that the intelligence budget should come down. After all, the Cold War is over. Well, intelligence spending has declined, along with other defense spending. But the world is still a very dangerous place, as many of my colleagues have pointed out, and new threats to our Nation's security and the safety of its citizens have emerged. Terrorism, weapons of mass destruction, international organized crime, and drug trafficking all pose increased risk to the United States. We need to collect information about these new threats if we are going to combat them and combat them successfully.

The gentleman from Oregon raised some interesting points a few minutes ago. He talked about some areas he felt that we had not had adequate intelligence. First of all, policymakers have to make use of the intelligence that is provided. I sat in that Permanent Select Committee on Intelligence during the dissolution of Yugoslavia. Nothing could have been better than the intelligence given to our policy leaders during that period of time. But European nations and our leadership, from President Bush to President Clinton, had to act upon that intelligence to have its effect. That was not done adequately.

Secondly, I would say when it comes to the terrorist activities that took

place in Saudi Arabia, we were not blind in intelligence, but action has to be taken.

Finally, I want to say as a person who follows trade, we have disarmed ourselves in certain parts of this world. We disarmed ourselves on economic intelligence in southeast and east Asia, and it is no wonder we had no intelligence adequate to take steps to avoid the kind of monetary fiscal crises that took place in Thailand, the Republic of Korea and Indonesia. That is because, in part, I suggest, we disarmed ourselves.

The same is true in parts of Latin America, where we have devastated our human intelligence by disarmament, not conducted by this body, but conducted by the executive branch over a period of time.

Finally, Mr. Chairman, I oppose this cut on the basis that it is not good government. As a former member of this committee, I believe it is fair to say that I know firsthand the process that is required to develop an annual intelligence authorization. And I can attest to the scrutiny and to the rigorous oversight that the members of this committee, chosen by the leadership of the House, give to this budget. They have done a particularly good job this year. And I would say that the staff that assists them is always among the best in the House. I have great confidence in their recommendation.

Mr. CONYERS. Mr. Chairman, I move to strike the requisite number of words.

(Mr. CONYERS asked and was given permission to revise and extend his remarks.)

Mr. CONYERS. Mr. Chairman, this debate is not what I would like, I say to the floor managers and chairman and ranking member of the Permanent Select Committee on Intelligence, because in this 5 minutes back and forth, usually we do not get answered.

Let us understand that the Central Intelligence Agency's relationship with drug pushers has not even been mentioned here. It is as if we are in a universe where nobody knows about this except we read it in the paper or we get a GAO study every now and then, or somebody writes about Los Angeles and the introduction of cocaine, which creates a momentary flak. And then we come here to the annual ritual and what do we have? We have people saying the Permanent Select Committee on Intelligence is one of the most respected bodies in the world system, not the Congress. It is studied all over the world because these are sensitive people, understand. They are very sensitive about this subject. It is all secret. We do not know what is going on.

We do know that there was \$26.7 billion appropriated. And then somebody snuck into the emergency supplemental appropriation, fiscal year 1998, an unknown amount of money.

□ 1400

Rumored, "Oh, never heard of that before." Okay. Rumored, \$260 million.

Suspected a lot more. But nobody knows. And then this discussion my colleagues have passed off as an open, fair debate on this subject. Now, if I hear that the CIA is not perfect one more time, I am going to excuse myself from these proceedings. Of course it is not perfect. It is awful.

Mr. LEWIS of California. Mr. Chairman, will the gentleman yield?

Mr. CONYERS. I will not yield to the gentleman from California. I will excuse myself from the proceedings after the debate on this measure is concluded.

But look, we know the CIA is not perfect. But that is not the question. The question is, how bad are they? "Oh, wow, that is an insult. We cannot talk like that." They are not perfect. Why, any amateur historian knows that we had perfect knowledge that the Japanese were coming to Pearl Harbor. And a respected Member of this body gets up and says, well, it was military intelligence, if it had been stronger. Pearl Harbor is a perfect example of our intelligence system at work.

Now, the intelligence community failed in Iraq. I mean, for anyone to suggest that we won the war on intelligence, really they have not even been listening to the military much less to anybody else.

This committee has done us a great disservice, and then to fight hard to keep a 5 percent reduction from occurring. Let us really show them by a two-to-one margin that the American people want to keep this secret budget going full blast, whatever it is, and that the American people are approving of this.

Well, I think this does the body a disservice. I do not think that we should do it. I refer my colleagues to the GAO news release, "CIA kept ties with alleged traffickers." And then we come here and debate about how they have got to do some more about drugs and we hear, "Let's give them another chance." Did I hear that last year, the last year, the year before the year before, the year before, the year before? Of course. "Let us give them one more chance."

Well, I think this is not the way to debate. There is a tangled web of the CIA's complicity in drug international trafficking that not one member of the Select Committee on Intelligence has even alluded to in debate, even referenced. It does not exist. We are here to get this secret budget through and that is it.

Mr. WELDON of Pennsylvania. Mr. Chairman, I move to strike the requisite number of words.

(Mr. WELDON of Pennsylvania asked and was given permission to revise and extend his remarks.)

Mr. WELDON of Pennsylvania. Mr. Chairman, I rise to support the actions of the committee and to praise the Members on both sides of the aisle for the very deliberate effort they have made in, I think, crafting the best budget we could in a very difficult

budget environment. I am not a member of the committee, never have been, although one day that is something perhaps I would like to serve on behalf of my colleagues on this side of the aisle, and that is a role on the committee itself.

In fact, Mr. Chairman, over the past several years I have been very critical of the agencies, both the CIA and DIA. I have reviewed their NIEs. From time to time I have disagreed. I asked for backup and I have challenged them publicly and privately.

But I will say this to my colleagues, Mr. Chairman, in response to those who say that the CIA and the committee operates in a closed environment, I have been in this Congress for 12 years, I have interacted with the intelligence agencies on a regular, ongoing basis in my office. From time to time I have gone over to meet with them in this building. They have been fully accessible to answer questions that I have asked them about emerging threats around the world. So I would say to my colleagues that any Member of this body that wants to get access to what the intelligence community is doing only has to ask and they will find that they are more than happy to respond. In fact, I am very pleased with the current leadership of the Director of the CIA. I think he is putting a new era of management and control in terms of the way the agency is being operated.

But why am I so interested in the intelligence budget and the intelligence agency? My job in this body, Mr. Chairman, is to oversee approximately \$36 billion a year of defense spending that is being put forth to protect our people and our allies against emerging threats. I would like to be able to know that we are spending that money on threats that are real, on threats that we understand from our best intelligence sources may be those threats that our young people have to face in the future. And only through good, solid intelligence can we get that data.

We heard debate on the floor; in one case I heard someone say that Russia is two-thirds less than what it was. Well, I do not know where people base their opinions, but let me give my colleagues my perception.

I guess I am one of the few Members of Congress who speaks the language. I have been there 15 times. In fact, next week I will be hosting all the major members of the state Duma. I work with Russia on a regular, ongoing, weekly basis.

I would make the case publicly that Russia is more destabilized today than at any point in time under Communism. I do not just make that statement radically. In fact, Mr. Chairman, I had General Lebed testify before my committee. If my colleagues do not know who General Lebed is, he is a Russian general, two star, who ran against Boris Yeltsin and then became Boris Yeltsin's chief defense advisor.

Along with members on both sides of the aisle last May, in one of my visits

to Moscow last year, we sat in General Lebed's office and he told us the story about one of his responsibilities to account to Boris Yeltsin for 132 suitcase-size nuclear devices that Russia built and he was able to account for only 48 of them. And we said to him, "General, where are the rest?" He said, "I have no idea." He said, "They could be under control or they could be in terrorists' hands." He said, "They could be in somebody's basement. We just do not know where they are."

I came back and interacted with our intelligence community and got an update on what they are doing to try to ascertain whether or not Russia does have control of these devices. Now, Russia, the government, denied they even built them for the following 4 months after General Lebed made the statement.

Finally, when I met with the defense minister, General Sergeyev, in December, he admitted to me that, yes, they built them and they hoped to have them all destroyed by the year 2000.

Mr. Chairman, we are not talking about some pie-in-the-sky Steven Spielberg movie plot. We are talking about real-life situations. What about the situation in January 1995, when because of Russia's deterioration and their intelligence assets, they responded to a Norwegian weather rocket by activating their all-out nuclear capabilities, which meant that Russia, which they publicly acknowledged, was within 15 minutes of an all-out nuclear response against the U.S. to a weather rocket that Norway had forewarned them of a month earlier?

That is reality, Mr. Chairman. These are the kinds of threats that we have to have assets to help us understand. If we talk to the intelligence community because of the shift in focus in this country to the Far East, what are we doing in the case of Russia? To meet the declining budgets, the limitations, we are taking away assets that we used to have to understand the former Soviet Union. So at a time when Russia becomes more of a risk, where we do not understand what is happening there, we are decreasing our ability to understand the situation.

Let me tell my colleagues what else General Lebed said in a public hearing here in this country. And by the way, he just is in the process of winning the governorship of one of the largest regions in Russia, Krasnoyarsk. This is what he said. He said, "You know, Congressman, one of our biggest problems? All of those most competent admirals and generals in the Soviet military have been forced out of service because of our economic problems." And we have heard members talk about that. But he said, "Here is the problem. These most competent generals and admirals have not been given housing, they have not been given pensions. So what are they doing?"

Mr. WELDON of Pennsylvania. Mr. Chairman, I ask unanimous consent for an additional 2 minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Pennsylvania?

Mr. OWENS. Mr. Chairman, I object.

The CHAIRMAN. Objection is heard.

Ms. WATERS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise to support the amendment that is being offered for a meager 5 percent cut from the intelligence budget. I rise to support it because it makes eminently good sense.

First of all, no matter what my colleagues say, those who are opposed to this amendment, those who can appear and rant and rave about why we should not only support the budget but be for more money for that budget, first of all, it has been said over and over again, the Cold War is over; the Soviet Union is no more.

Where is this great threat to our country? Who can identify anybody in the world who is prepared to take on the United States of America? Someone alluded to Iran and alluded to China. Well, I can talk a lot about China. And if we feel they are such a great threat, why are we chasing them down, embracing them, running after them to do business with them, to be involved in trade activities with them?

Let me tell my colleagues where the threat is. The real war that is being waged on America today is the drug war. Where is our great intelligence to tell us who the drug lords are and how they manage to continue day in and day out, week in and week out, to dump tons of drugs into this Nation that finds its way into our cities and our rural communities, addicting our children, creating more crimes, with people who get addicted and are looking for ways to support those habits.

Why cannot this intelligence community tell us who these drug lords are? Why is it these cartels can continue to operate without any interference? It is so embarrassing to have our own Drug Czar go down to Mexico and wrap his arms around General Gutierrez Rebollo. And just a few days after he is down there talking about how great he is, this is our own drug czar, the drug czar was busted because he is connected to the Juarez cartel.

Now, our Drug Czar was in the service. He is a general. He knows about the DIA, the CIA, and everybody else. But he goes down there, wraps his arms around him, talks about how great he is, he has known him for years; and he is the dope dealer. He is the one that is connected to the drug cartel. This is outrageous. It is embarrassing.

And do not tell me how good the intelligence community is. It does not matter whether we are talking about Mexico or Peru or Colombia. Why cannot our intelligence community tell us about the heads of government and the leadership of those countries who are involved in trafficking drugs, at the same time we are giving support to them, we are showing up with them in every kind of cockamamie scheme,

talking about we are helping to eliminate drugs, when the fact of the matter is, it is getting worse.

If this intelligence community was about the business of dealing with any war, it would be the war on drugs. That is the war that is being waged on America. I am sick and tired of hearing that we cannot streamline, we cannot cut, we cannot do anything about the intelligence community. And there are those who just romanticize the intelligence community, those who think we cannot ask any questions, we cannot cut them, we cannot dare challenge them.

It is outdated, long overdue for cuts and being streamlined. And yet we come to the floor, person after person, talking about how great it is, how we should continue to support it.

Well, my colleagues know that I have been involved in this drug war for a long time, and they understand that the number one priority of the Congressional Black Caucus is to get rid of drugs in our society. We do not have any help from the CIA. As a matter of fact, we are still investigating the CIA and their involvement in drug trafficking.

As my colleagues know, we just had a hearing, and I would like to thank our ranking member for embracing some of the ideas that I have, and in that hearing we are investigating what was the CIA doing when all the drugs were being trafficked in South Central Los Angeles and profits were going to fund the contras? Where were they?

Well, I will tell my colleagues where they were. They were at the same place they were when they were in Southeast Asia, turning their backs on drug trafficking, even being involved in it, to have additional money. They like slush funds. It is not enough that we give them over \$30 billion in this intelligence community.

If we want an intelligence operation that is dealing with the real war, turn their attention to the drug war and maybe we will want to support them in the future.

Mr. CUNNINGHAM. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, on one area I agree with the gentlewoman from California (Ms. WATERS). Mexico has a problem with drugs, and it is a problem in America.

But I tell my colleagues, the White House cutting all the drug responses, from interdiction right down the line, that we Republicans had to restore, is the answer, not cutting them. Telling our children that it is okay to inhale or that he would if he could is not the proper message to send to our children in antidrug programs.

□ 1415

Liberal trial lawyers that get the drug dealers and kingpins off and yet we cannot get through in this body stiff penalties for those druggers, that is wrong as well.

Let me speak to the issue at hand on intelligence. First of all, it is amazing. I would almost let the other side of the aisle speak up here for 2 days on this issue. People that have never set foot in a military uniform, people that have never had to direct intelligence units, people who have never had to go in and plan the defense of major countries but yet they are, quote, the experts. "There is no Cold War. The Cold War is over." But yet what they do not tell you is the threat that is out there. I tell my colleagues, you state your own opinion as fact and you are factually challenged.

First of all, there are over 14,000 nuclear warheads in Russia alone. Because the Russian head said that they are not pointed at the United States, do you know how long it takes to change those targeting data? About 2 minutes. Fourteen thousand of them. Russia in the last 2 years built six nuclear class red October submarines and deployed them. Built them. But there is no threat. Russia this week, a nuclear ship, the largest missile cruiser in the world, launched a missile cruiser out of Russia. But the Cold War is over. Russia is building today the size of the Beltway here in Washington, D.C. under the Ural Mountains a first strike nuclear site. Why? "Oh, the Cold War is over. There is no threat." There is one to the northeast half its size. But there is no threat. We are dealing with 1970s technology in our military, with the F-14 and the F-15 and the F-16, but yet they deploy the SU-35 and the SU-37 that uses vectored thrusts that outclass our fighters and they have an AA-10 and an AA-12 missile that outclasses our AMRAAM. But there is no threat. You are the experts. You would send our troops 300 percent increase in deployments over Vietnam and kill them and not provide for the services that they need and cut the defense budget and cut procurement by 67 percent for your great social programs because there is no threat.

Give me a break, Mr. Chairman. We talk about intelligence and military and foreign policy all to protect this country. Poor foreign military policy does not help, either. Haiti. Haiti could sit there for another 200 years and not be a threat to this country. But yet a political move. And guess what? Aristide is still there. There is still poverty and it costs us billions of dollars. Somalia, the extension of Somalia in which the majority then under the Democrats extended Somalia. Guess what? Aideed died but Aideed's son is there and we got 22 rangers killed because the White House would not give armor to protect them. Twenty-two of our people, billions of dollars.

The gentleman from Vermont (Mr. SANDERS) talks about hurting veterans. Sixteen billion dollars for Haiti and Bosnia. And we have a bill that we cannot get a billion dollars for for FEHP for veterans, which I think he would probably support. But \$16 billion and guess what? That comes out of our

military and kills us, and kills any chance of helping the veterans. Yet you are the experts and you say there is no Cold War. I have got a tape here of 16 SAMs fired in pairs. Mr. Chairman, I lost three good friends because we did not have the intelligence to know they were there. I am sick and tired of self-proclaimed experts on intelligence and defense standing up and saying, "Oh, look. Look at those that support defense. Look at those that support intelligence."

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN. The Chair will remind all persons in the gallery that they are here as guests of the House and that any manifestation of approval or disapproval of the proceedings or other audible conversation is in violation of the rules of the House.

Mr. FRANK of Massachusetts. Mr. Chairman, I move to strike the requisite number of words. Mr. Chairman, after the previous speaker, I think I should rise to the defense of some Republicans. He said people who had not been in uniform should not be involved in this debate. I do not think that the Speaker of the House, the majority leader of the House or any of the rest of us who were not able to serve for one reason or another ought to be disqualified. I have never found that the Speaker, because he had never served in the military, was somehow incompetent to discuss military affairs.

I also thought it was rather unkind to Ronald Reagan. We dedicated a building to him yesterday. I had previously thought that people, including former President Reagan, considered ending the Cold War in the way that it ended to be one of his accomplishments. But we learned today that apparently that was a mistake. Indeed, the previous speaker denigrated the notion that the Cold War ended, so I guess that is a claimed accomplishment of President Reagan that is not really real. I am rather more sympathetic to President Reagan in that regard.

Some people suggested, one of the previous speakers, that we are even worse off, that Russia is more dangerous today. Maybe we ought to ask the Communists to come back. Maybe we should see if we can get at least Mr. Gorbachev back in power, Mr. Zyuganov. In fact, what we have heard today is some of the worst history I have ever heard.

I want to, by the way, differ with some of my colleagues who support this amendment. I think the intelligence community does an excellent job on the whole. They have a very difficult job. The reason they sometimes do not know the answer is we cannot know the answer. We cannot know the unknowable. People who are planning to do bad things do not always cooperate by tipping their hand. I do not criticize them for not having known everything that was going to happen. I think they have, in fact, done a pretty good job.

What we are experts in here, by the way, is not military expertise. We are the experts so empowered by the American people at dividing up the resources of this country. We made a decision a couple of years ago about how much we were going to spend. We are not, I think, spending to the fullest, to the extent that we need to in any one area. We then have the job of allocating scarce resources. That is what we have the democratic mandate to do.

The suggestion that somehow this impinges unfairly on the expertise of the committee, no one really seriously believes that. In fact, when people get up and defend the committee on one day, they are the people who would criticize a different committee on a different day.

Let me say, in addition to the Permanent Select Committee on Intelligence, I also have respect for the committee. Indeed I have respect for, I was about to say all the committees of the House but let me say today I have respect for all the committees but one and I hope we can soon resume respect for that one.

The question is how do we allocate our resources. There are a couple of erroneous historical arguments. People have made the analogy to 1941. That is about the worst history I have ever heard. In the 1930s, America was one of the weaker powers in the world. We are not remotely comparable to 1941. We are not, as the United States, anywhere near where we were 55 and 60 years ago vis-a-vis Germany and Japan. Today the United States is by far the strongest Nation in the world. We are stronger than all of our potential opponents, and everyone agrees we should stay that way.

One of my friends said we were emasculating the Defense Department. We are not emasculating. We are saying that maybe in this world, we can taper off on the Viagra dose that they have been on for many years, but nobody is talking about America being anything less than overwhelmingly the strongest Nation in the world. Fifteen years ago, when we peaked in defense spending, we had not just the Soviet Union but its satellite nations. Remember what we all believe, you do not look at the enemy's intentions, you look at the enemy's capability. The defense budget we had 15 years ago assumed that East Germany and Hungary and Czechoslovakia and Poland could be part of a Soviet assault. There has been a very substantial diminution in the capacity of the Soviet bloc to damage us.

Yes, it is still a dangerous world. That is why we are still going to be, if this amendment passed three times over, by far the strongest Nation in the world. The question is, let us look at where we are in America. Many of us believe that there has been a greater diminution in the external threat, which is still there. People posturing about saying, "Well, there is no threat," no one has said there is no threat. There is a threat. The question

is, is it now with the collapse and dismantlement of the Soviet Union, the denuclearization of Belarus, the denuclearization of Kazakhstan and the Ukraine, the freeing of the satellite nations so they are now in NATO as opposed to opposing NATO, has there been a diminution? I think the argument is overwhelmingly that there has been.

Many of us believe that while we should still be the strongest Nation in the world militarily, the time has come to shift some resources into domestic crime fighting, into fighting cancer, into dealing with some of our domestic problems. We believe that in the current world, the average American faces more domestic threats than international ones. No one is suggesting that we should have anything less than by far the strongest military and intelligence in the world. We are saying that too much is no longer defensible.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Vermont (Mr. SANDERS).

The question was taken; and the Chairman announced that the yeas appeared to have it.

RECORDED VOTE

Mr. SANDERS. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 120, yeas 291, not voting 21, as follows:

[Roll No. 137]

AYES—120

Abercrombie	Gutknecht	Oberstar
Allen	Hill	Obey
Baldacci	Hilliard	Olver
Barcia	Hinchey	Owens
Barrett (WI)	Hookey	Pastor
Becerra	Jackson (IL)	Paul
Blumenauer	Jackson-Lee	Payne
Bonior	(TX)	Peterson (MN)
Boucher	Johnson (WI)	Petri
Brown (CA)	Kanjorski	Porter
Brown (FL)	Kaptur	Poshard
Brown (OH)	Kilpatrick	Ramstad
Camp	Kind (WI)	Rangel
Capps	Kingston	Rivers
Carson	Kleczka	Rodriguez
Chabot	Kucinich	Roemer
Clay	Lee	Rohrabacher
Clayton	Lewis (GA)	Roybal-Allard
Coble	Lipinski	Royce
Conyers	Lofgren	Rush
Costello	Luther	Sanchez
Cummings	Maloney (CT)	Sanders
Davis (IL)	Markey	Schumer
DeFazio	Mascara	Sensenbrenner
DeGette	McCarthy (MO)	Shays
Delahunt	McDermott	Slaughter
DeLauro	McGovern	Stabenow
Doggett	McKinney	Stark
Duncan	Meehan	Stearns
Ensign	Meeks (NY)	Strickland
Eshoo	Metcalfe	Thompson
Evans	Millender	Tierney
Farr	McDonald	Torres
Fattah	Miller (CA)	Upton
Filner	Minge	Velazquez
Fox	Mink	Vento
Frank (MA)	Moakley	Waters
Furse	Moran (VA)	Watt (NC)
Gephardt	Morella	Woolsey
Green	Nadler	Yates
Gutierrez	Neal	

NOES—291

Ackerman	Bachus	Barrett (NE)
Aderholt	Baessler	Bartlett
Andrews	Baker	Barton
Archer	Ballenger	Bass
Armey	Barr	Bentsen

Bereuter	Granger	Paxon
Berman	Greenwood	Pease
Berry	Hall (OH)	Pelosi
Bilbray	Hall (TX)	Peterson (PA)
Billirakis	Hamilton	Pickering
Bishop	Hansen	Pickett
Blagojevich	Harman	Pitts
Bliley	Hastert	Pombo
Blunt	Hastings (WA)	Pomeroy
Boehlert	Hayworth	Portman
Boehner	Hefley	Price (NC)
Bonilla	Herger	Pryce (OH)
Bono	Hilleary	Quinn
Borski	Hinojosa	Rahall
Boswell	Hobson	Redmond
Boyd	Hoekstra	Regula
Brady	Holden	Reyes
Bryant	Horn	Riggs
Bunning	Hostettler	Riley
Burr	Houghton	Rogan
Burton	Hoyer	Rogers
Buyer	Hulshof	Ros-Lehtinen
Callahan	Hunter	Rothman
Calvert	Hutchinson	Roukema
Campbell	Hyde	Ryun
Canady	Inglis	Sabo
Cannon	Istook	Salmon
Cardin	Jefferson	Sandlin
Castle	Jenkins	Sanford
Chambliss	John	Sawyer
Chenoweth	Johnson (CT)	Saxton
Clement	Johnson, E. B.	Scarborough
Clyburn	Johnson, Sam	Schaefer, Dan
Coburn	Jones	Schaffer, Bob
Collins	Kasich	Scott
Combest	Kelly	Serrano
Condit	Kennedy (MA)	Sessions
Cook	Kennedy (RI)	Shadegg
Cooksey	Kennelly	Shaw
Cox	Kildee	Sherman
Coyne	Kim	Shinkus
Cramer	King (NY)	Shuster
Crane	Klink	Sisisky
Crapo	Klug	Skeen
Cubin	Knollenberg	Skelton
Cunningham	Kolbe	Smith (MI)
Danner	LaHood	Smith (NJ)
Davis (FL)	Lampson	Smith (OR)
Davis (VA)	Lantos	Smith (TX)
Deal	Largent	Smith, Adam
DeLay	Latham	Smith, Linda
Deutsch	LaTourette	Snowbarger
Diaz-Balart	Lazio	Snyder
Dickey	Leach	Souder
Dicks	Levin	Spence
Dooley	Lewis (CA)	Spratt
Doolittle	Lewis (KY)	Stenholm
Dreier	Linder	Stokes
Dunn	Livingston	Stump
Edwards	LoBiondo	Sununu
Ehlers	Lowey	Talent
Ehrlich	Lucas	Tanner
Emerson	Maloney (NY)	Tauscher
Engel	Manton	Tauzin
English	Manzullo	Taylor (MS)
Etheridge	Matsui	Thomas
Everett	McCarthy (NY)	Thornberry
Ewing	McCollum	Thune
Fawell	McCrery	Thurman
Fazio	McDade	Tiahrt
Foley	McHale	Towns
Forbes	McInnis	Trafficant
Ford	McIntosh	Turner
Fossella	McIntyre	Visclosky
Fowler	McKeon	Walsh
Franks (NJ)	Meek (FL)	Wamp
Frelinghuysen	Menendez	Watkins
Frost	Mica	Watts (OK)
Galleghy	Miller (FL)	Waxman
Ganske	Mollohan	Weldon (FL)
Gejdenson	Moran (KS)	Weldon (PA)
Gekas	Myrick	Weller
Gibbons	Ney	Wexler
Gilchrest	Northup	Weygand
Gillmor	Norwood	White
Gilman	Nussle	Whitfield
Goode	Ortiz	Wicker
Goodlatte	Oxley	Wise
Goodling	Packard	Wolf
Gordon	Pallone	Wynn
Goss	Pappas	Young (AK)
Graham	Pascarell	Young (FL)

NOT VOTING—21

Bateman	Gonzalez	McHugh
Christensen	Hastings (FL)	McNulty
Dingell	Hefner	Murtha
Dixon	LaFalce	Nethercutt
Doyle	Martinez	Neumann

Parker	Skaggs	Stupak
Radanovich	Solomon	Taylor (NC)

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Messrs. PALLONE, SMITH of New Jersey, and PICKERING changed their vote from "aye" to "no."

Mr. SCHUMER changed his vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

The CHAIRMAN. Are there further amendments to title I?

If not, the Clerk will designate title II.

The text of title II is as follows:

TITLE II—CENTRAL INTELLIGENCE AGENCY RETIREMENT AND DISABILITY SYSTEM

SEC. 201. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated for the Central Intelligence Agency Retirement and Disability Fund for fiscal year 1999 the sum of \$201,500,000.

The CHAIRMAN. Are there amendments to title II?

If not, the Clerk will designate title III.

The text of title III is as follows:

TITLE III—GENERAL PROVISIONS

SEC. 301. INCREASE IN EMPLOYEE COMPENSATION AND BENEFITS AUTHORIZED BY LAW.

Appropriations authorized by this Act for salary, pay, retirement, and other benefits for Federal employees may be increased by such additional or supplemental amounts as may be necessary for increases in such compensation or benefits authorized by law.

SEC. 302. RESTRICTION ON CONDUCT OF INTELLIGENCE ACTIVITIES.

The authorization of appropriations by this Act shall not be deemed to constitute authority for the conduct of any intelligence activity which is not otherwise authorized by the Constitution or the laws of the United States.

SEC. 303. APPLICATION OF SANCTIONS LAWS TO INTELLIGENCE ACTIVITIES.

Section 905 of the National Security Act of 1947 (50 U.S.C. 441d) is amended by striking out "January 6, 1999" and inserting in lieu thereof "January 6, 2000".

SEC. 304. SENSE OF CONGRESS ON INTELLIGENCE COMMUNITY CONTRACTING.

It is the sense of Congress that the Director of Central Intelligence should continue to direct that elements of the intelligence community, whenever compatible with the national security interests of the United States and consistent with operational and security concerns related to the conduct of intelligence activities, and where fiscally sound, should competitively award contracts in a manner that maximizes the procurement of products properly designated as having been made in the United States.

The CHAIRMAN. Are there amendments to title III?

AMENDMENT NO. 5 OFFERED BY MR. WELDON OF PENNSYLVANIA

Mr. WELDON of Pennsylvania. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 5 offered by Mr. WELDON of Pennsylvania:

At the end of title III, add the following new section:

SEC. 305. PROLIFERATION REPORT.

(a) ANNUAL REPORT.—The Director of Central Intelligence shall submit an annual re-

port to the Members of Congress specified in subsection (d) containing the information described in subsection (b). The first such report shall be submitted not later than 30 days after the date of the enactment of this Act and subsequent reports shall be submitted annually thereafter. Each such report shall be submitted in classified form and shall be in the detail necessary to serve as a basis for determining appropriate corrective action with respect to any transfer within the meaning of subsection (b).

(b) IDENTIFICATION OF FOREIGN ENTITIES TRANSFERRING ITEMS OR TECHNOLOGIES.—Each report shall identify each covered entity which during the preceding 2 years transferred a controlled item to another entity for use in any of the following:

(1) A missile project of concern (as determined by the Director of Central Intelligence).

(2) Activities to develop, produce, stockpile, or deliver chemical or biological weapons.

(3) Nuclear activities in countries that do not maintain full scope International Atomic Energy Agency safeguards or equivalent full scope safeguards.

(c) DEFINITIONS.—For the purposes of this section:

(1) CONTROLLED ITEM.—(A) The term "controlled item" means any of the following items (including technology):

(i) Any item on the MTCR Annex.

(ii) An item listed for control by the Australia Group.

(iii) Any item listed for control by the Nuclear Suppliers Group.

(B) AUSTRALIA GROUP.—The term "Australia Group" means the multilateral regime in which the United States participates that seeks to prevent the proliferation of chemical and biological weapons.

(C) MTCR ANNEX.—The term "MTCR Annex" has the meaning given that term in section 74 of the Arms Export Control Act (22 U.S.C. 2797c).

(D) NUCLEAR SUPPLIERS' GROUP.—The term "Nuclear Suppliers' Group" means the multilateral arrangement in which the United States participates whose purpose is to restrict the transfers of items with relevance to the nuclear fuel cycle or nuclear explosive applications.

(2) COVERED ENTITY.—The term "covered entity" means a foreign person, corporation, business association, partnership, society, trust, or other nongovernmental organization or group or any government entity operating as a business. Such term includes any successor to any such entity.

(3) MISSILE PROJECT.—(A) The term "missile project" means a project or facility for the design, development, or manufacture of a missile.

(B) The term "missile" has the meaning given that term in section 74 of the Arms Export Control Act (22 U.S.C. 2797c).

(d) SPECIFIED MEMBERS OF CONGRESS.—The Members of Congress referred to in this subsection are the following:

(1) The chairman and ranking minority party member of the House Permanent Select Committee on Intelligence.

(2) The chairman and ranking minority party member of the Senate Select Committee on Intelligence.

(Mr. WELDON of Pennsylvania asked and was given permission to revise and extend his remarks.)

Mr. WELDON of Pennsylvania. Mr. Chairman, I offer this amendment on behalf of myself and the gentleman from Massachusetts (Mr. MARKEY). This is a bipartisan initiative and one that I think gets at the heart of our

concerns involving proliferation around the world.

This amendment is a very simple amendment, Mr. Chairman. It requires the Director of Central Intelligence each year to give a report to the Select Committee on Intelligence in the House and the Senate involving any proliferating activity from any entity around the world that this Congress needs to know about.

Now, we have heard a lot of debate over intelligence and a lot of debate over how we should stop proliferation, but let us get to the heart of the matter.

Mr. Chairman, the fact is that we have good intelligence assets that tell us when proliferation is occurring. After all, 2 years ago, working with the

Jordanians and Israelis, we caught the Russians transferring accelerometers and gyroscopes to Iraq to improve their Scud missiles. In fact, we have 120 sets of those right now with Russian markings on them.

Last year, last summer, we caught the Iranians being assisted again by a Russian entity to develop a medium-range missile that we think within 12 months will threaten all of Israel, all of our Arab friends, and 25,000 of our troops in that theater. We caught the Chinese transferring ring magnets to Pakistan, and M-11 missiles to Pakistan.

Mr. Chairman, the problem is not our ability to detect when technology is being transferred. In fact, Mr. Chairman, I would at this time insert into

the RECORD detailed examples of 21 specific cases of China transferring technology in violation of every major arms control agreement that we are a signatory to, including the MTCR, the Chemical Test Ban Treaty, the Chemical Weapons Treaty, the Nuclear Test Ban Treaty, the Arms Control Export Act, and every other arms control agreement that is the basis of this administration's security arrangements.

Mr. Chairman, I also would like to insert in the record detailed examples of 16 instances of Russia transferring technology. In each of these cases, Mr. Chairman, the problem was not the intelligence community, it was not having the assets upon which to make an intelligent decision.

Date of transfer or report	Reported Russian transfers that may have violated a regime or law	Possibly applicable treaties, regimes, and/or U.S. laws	Administration's response
Early 1990's	Russians sold drawings of a sarin plant, manufacturing procedures, and toxic agents to a Japanese terrorist group.	AECA sec. 81; EAA sec. 11C	No publicly known sanction.
1991	Transferred to China three RD-120 rocket engines and electronic equipment to improve accuracy of ballistic missiles.	MTCR; AECA sec. 73; EAA sec. 11B	No publicly known sanction.
1991-1995	Transferred Cryogenic liquid oxygen/hydrogen rocket engines and technology to India	MTCR; AECA sec. 73; EAA sec. 11B	Sanctions against Russia and India under AECA and EAA imposed on May 6, 1992; expired after 2 years.
1992-1995	Russian transfers to Brazil of carbon fiber technology for rocket motor cases for space launch programs.	MTCR; AECA sec. 73; EAA sec. 11B	Sanctions reportedly secretly imposed and waived.
1992-1996	Russian armed forces delivered 24 Scud B missiles and 8 launchers to Armenia	MTCR; AECA sec. 73; EAA sec. 11B	No publicly known sanction.
June 1993	Additional Russian enterprises involved in missile technology transfers to India	MTCR; AECA sec. 73; EAA sec. 11B	Sanctions imposed on June 16, 1993 and waived until July 15, 1993; no publicly known follow-up sanction.
1995-present	Construction of 1,000 megawatt nuclear reactor at Bushehr in Iran	IIANPA sec. 1604 and 1605; FOAA; NPPA sec. 821; FAA sec. 620G.	Refused to renew some civilian nuclear cooperation agreements; waived sanctions on aid.
Aug. 1995	Russian assistance to Iran to develop biological weapons	BWC; AECA sec. 81; EAA sec. 11C; IIANPA sec. 1604 and 1605; FAA sec. 620G and 620H.	No publicly known sanctions.
Nov. 1995	Russian citizen transferred to unnamed country technology for making chemical weapons	AECA sec. 81; EAA sec. 11C	Sanctions imposed on Nov. 17, 1995.
Dec. 1995	Russian gyroscopes from submarine launched ballistic missiles smuggled to Iraq through mid-dlemen.	United Nations Sanctions; MTCR; AECA sec. 73; EAA sec. 11B; IIANPA sec. 1604 and 1605; FAA sec. 620G and 620H.	No publicly known sanction.
July-Dec. 1996	DCI reported Russia transferred to Iran "a variety" of items related to ballistic missiles	MTCR; AECA sec. 73; EAA sec. 11B; FAA sec. 620G and 620H; IIANPA sec. 1604 and 1605; FOAA.	No publicly known sanctions.
Nov. 1996	Israel reported Russian assistance to Syria to build a chemical weapon plant	AECA sec. 81; EAA sec. 11C; FAA sec. 620G and 620H.	No publicly known sanction.
1996-1997	Delivered 3 Kilo diesel-electric submarines to Iran	IIANPA sec. 1604 and 1605; FAA sec. 620G and 620H.	No publicly known sanction.
Jan.-Feb. 1997	Russia transferred detailed instructions to Iran on production of the SS-4 medium-range missile and related parts.	MTCR; AECA sec. 73; EAA sec. 11B; FAA sec. 620G and 620H; IIANPA sec. 1604 and 1605; FOAA.	No publicly known sanction.
April 1997	Sale of S-300 anti-aircraft/anti-missile missile system to Iran to protect nuclear reactors at Bushehr and other strategic sites.	IIANPA sec. 1604 and 1605; FAA sec. 620G and 620H.	No publicly known sanction.
Oct. 1997	Israeli intelligence reported Russian technology transfers for Iranian missiles developed with ranges between 1,300 and 10,000 km. Transfers include engines and guidance systems.	MTCR; AECA sec. 73; EAA sec. 11B; IIANPA sec. 1604 and 1605; FAA sec. 620G and 620H; FOAA.	No publicly known sanction.

Regimes:

BWC—Biological Weapons Convention.
MTCR—Missile Technology Control Regime.

U.S. Laws:

AECA—Arms Export Control Act.
EAA—Export Administration Act.
FAA—Foreign Assistance Act.
FOAA—Foreign Operations Appropriations Act.
IIANPA—Iran-Iraq Arms Non-Proliferation Act.
NPPA—Nuclear Proliferation Prevention Act.

Date of transfer or report	Reported transfer by China	Possible violation	Administration's response
Nov. 1992	M-11 missiles or related equipment to Pakistan (The Administration did not officially confirm reports that M-11 missiles are in Pakistan.)	MTCR; Arms Export Control Act; Export Administration Act.	Sanctions imposed on Aug. 24, 1993, for transfer of M-11 related equipment (not missiles); waived on Nov. 1, 1994.
Mid-1994 to mid-1995	Dozens or hundreds of missile guidance systems and computerized machine tools to Iran	MTCR; Iran-Iraq Arms Nonproliferation Act; Arms Export Control Act; Export Administration Act.	No sanctions.
2d quarter of 1995	Parts for the M-11 missile to Pakistan	MTCR; Arms Export Control Act; Export Administration Act.	No Sanctions.
Dec. 1994 to mid-1995	5,000 ring magnets for an unsafeguarded nuclear enrichment program in Pakistan	NPT; Export-Import Bank Act; Nuclear Proliferation Prevention Act; Arms Export Control Act.	Considered sanctions under the Export-Import Bank Act; but announced on May 10, 1996, that no sanctions would be imposed.
July 1995	More than 30 M-11 missiles stored in crates at Sargodha Air Force Base in Pakistan	MTCR; Arms Export Control Act; Export Administration Act.	No sanctions.
Sept. 1995	Calutron (electromagnetic isotope separation system) for uranium enrichment to Iran	NPT; Nuclear Proliferation Prevention Act; Export-Import Bank Act; Arms Export Control Act.	No sanctions.
1995-1997	C-802 anti-ship cruise missiles and C-801 air-launched cruise missiles to Iran	Iran-Iraq Arms Nonproliferation Act	No sanctions.
Before Feb. 1996	Dual-use chemical precursors and equipment to Iran's chemical weapon program	Arms Export Control Act; Export Administration Act.	Sanctions imposed on May 21, 1997.
Summer 1996	400 tons of chemicals to Iran	Iran-Iraq Arms Nonproliferation Act; Arms Export Control Act; Export Administration Act.	No sanctions.
Aug. 1996	Plant to manufacture M-11 missiles or missile components in Pakistan	MTCR; Arms Export Control Act; Export Administration Act.	No sanctions.
Aug. 1996	Gyroscopes, accelerometers, and test equipment for missile guidance to Iran	MTCR; Iran-Iraq Arms Nonproliferation Act; Arms Export Control Act; Export Administration Act.	No sanctions.
Sept. 1996	Special industrial furnace and high-tech diagnostic equipment to unsafeguarded nuclear facilities in Pakistan.	NPT; Nuclear Proliferation Prevention Act; Export-Import Bank Act; Arms Export Control Act.	No sanctions.
July-Dec. 1996	Director of Central Intelligence (DCI) reported "tremendous variety" of technology and assistance for Pakistan's ballistic missile program.	MTCR; Arms Export Control Act; Export Administration Act.	No sanctions.

Date of transfer or report	Reported transfer by China	Possible violation	Administration's response
July-Dec. 1996	DCI reported "tremendous variety" of assistance for Iran's ballistic missile program	MTCR; Iran-Iraq Arms Nonproliferation Act; Arms Export Control Act; Export Administration Act.	No sanctions.
July-Dec. 1996	DCI reported principal supplies of nuclear equipment, material, and technology for Pakistan's nuclear weapon program.	NPT; Nuclear Proliferation Prevention Act; Export-Import Bank Act; Arms Export Administration Act.	No sanctions.
July-Dec. 1996	DCI reported key supplies of technology for large nuclear projects in Iran	NPT; Iran-Iraq Arms Nonproliferation Act; Nuclear Proliferation Prevention Act; Export-Import Bank Act; Arms Export Administration Act.	No sanctions.
July-Dec. 1996	DCI reported "considerable" chemical weapon-related transfers of production equipment and technology to Iran.	Iran-Iraq Arms Nonproliferation Act; Arms Export Control Act; Export Administration Act.	No sanctions.
Jan. 1997	Dual-use biological items to Iran	BWC; Iran-Iraq Arms Nonproliferation Act; Arms Export Control Act; Export Administration Act.	No sanctions.
1997	Chemical precursors, production equipment, and production technology for Iran's chemical weapon program, including a plant for making glass-lined equipment.	Iran-Iraq Arms Nonproliferation Act; Arms Export Control Act; Export Administration Act.	No sanctions.
Sept. to Dec. 1997	China Great Wall Industry Corp. provided telemetry equipment used in flight-tests to Iran for its development of the Shahab-3 and Shahab-4 medium range ballistic missiles.	MTCR; Iran-Iraq Arms Nonproliferation Act; Arms Export Control Act; Export Administration Act.	No sanctions.
Nov. 1997/April 1998	May have transferred technology for Pakistan's Ghauri medium-range ballistic missile that was flight-tested on April 6, 1998.	MTCR; Arms Export Control Act; Export Administration Act.	No sanctions.

¹ Additional provisions on chemical, biological, or nuclear weapons were not enacted until February 10, 1996.

BWC—Biological Weapons Convention.
MTCR—Missile Technology Control Regime.
NPT—Nuclear Nonproliferation Treaty.

Mr. Chairman, the problem was, we did not have the will to impose sanctions. In fact, in only two of those 37 instances were sanctions imposed.

The problem is a simple one. The Congress is not brought into the process until after the State Department has made a ruling that they are not going to impose sanctions. The Congress is not brought into the process until after the proliferating action has taken place.

My amendment is simple. My amendment asks the Director of Central Intelligence, and I know they collect this data anecdotally, to each year submit to the chairman of the House Select Committee on Intelligence and the Senate Select Committee on Intelligence an unsanitized listing of all of those occasions that we should know about, unsanitized by the State Department, involving proliferation of technology, involving weapons of mass destruction. In that way, we can play our rightful role in saying that we want arms control agreements enforced.

Mr. Chairman, we know what happened last November. This Congress voted overwhelmingly in favor of a bipartisan bill to force the administration to impose sanctions on Russia because of transferring of technology to Iran. This Congress has spoken unequivocally, in fact, in that case, with 400 Members voting in the affirmative that we want arms control agreements enforced. That is the problem, Mr. Chairman. It is not the intelligence collection, it is not the analysis of the data, although I disagree from time to time with NIE, it is the use of that data by the State Department and by the administration where they have not imposed sanctions.

Mr. Chairman, we are not trying to incite a conflict with Russia. I happen to believe in the Ronald Reagan philosophy: Trust, but verify.

I am engaged with Russia. Next week I will host a group of senior Russian leaders in this city. I want to help Russia stabilize itself. I want to help them have a middle class.

However, I understand one very important fundamental thing about Russia and China: We must be consistent,

we must be candid, and we must be strong, and when we fail to follow through on any one of those three areas, we send the wrong signal to entities that cannot be controlled in those countries.

That is why, after Russia transferred the accelerometers and gyroscopes 2 years ago, I was not surprised this past summer when we found they were transferring technology to Iran; because we have been sending the wrong signal.

I ask my colleagues to support this very simple amendment.

Mr. MARKEY. Mr. Chairman, I rise in support of the amendment.

Mr. Chairman, for 40 years our country, this planet operated under a doctrine of mutually assured destruction, meaning that both the United States and the Soviet Union stockpiled nuclear weapons in vertical proliferation, 5,000, 10,000, 15,000 nuclear weapons apiece, when only 200 apiece would be necessary in order to destroy totally the populations of both the United States and the Soviet Union. It was important for the Cold War to come to an end, because there was a very slight likelihood that either country would ever use these weapons, because the other country would have guaranteed their sure and certain total destruction.

The greater threat has always been horizontal proliferation. The spread of weapons from country to country to country, to subgroups, to terrorist groups, to other parties around the globe who do not live under this threat of mutually assured destruction.

The problem is that we in the United States do not on a consistent basis get enough information about this threat so that we can formulate policies, sanctions, that will guarantee that those around the world who are intent on gathering these technologies to themselves and then using them against their enemies or against the American people, know that we have a strong policy of deterrence against their use.

The Weldon-Markey amendment, as it was originally formulated, ensured that we would desubsidize any country, any company in the world that was identified as one which was trafficking

in materials which could be used for proliferation purposes. That is putting real teeth, financial teeth into the American policy towards these issues.

Unfortunately, in negotiating with the intelligence community and others who are not yet ready to embrace that policy, we are unable to bring that full amendment with all of the power of the American purse string to this floor here today. But what we do is we ensure that there will be a report made to the Intelligence Committees.

I believe it should go to other committees as well so that there is a broader understanding of the importance of this issue. In the post-Cold War period, there are only two great agendas for our country. One is ensuring that the American people finally get the full benefits of the prosperity which is being created in this world and that our people benefit from it, and secondly, that we deal with the aftermath of the Cold War in terms of these national rivalries that manifest themselves both in human rights violations, religious violations, and in proliferation threats spreading across this planet.

This is a good first step. I hope that the House adopts this amendment. It will at least begin the process of giving us the information which we need, and hopefully, the gentleman from Pennsylvania (Mr. WELDON) and I, and the gentlewoman from California (Ms. HARMAN) and others can come back here next year and we can ensure that there are teeth which are built into this system so that the Congress votes to deny any financial assistance to any country or any company which sells these technologies into the hands of those who are not abiding by the nonproliferation safeguards which this world has to have in the 21st century.

So I thank the gentleman from Pennsylvania (Mr. WELDON), for his leadership. I thank the gentlewoman from California (Ms. HARMAN) and all of those who have worked on this issue, and I hope that the House, in its wisdom, adopts this very important first step here today.

Ms. HARMAN. Mr. Chairman, I move to strike the last word.

Mr. Chairman, first let me say that as a member of the Permanent Select Committee on Intelligence, I have learned an enormous amount from its leaders, the gentleman from Florida (Mr. GOSS), chairman of the committee, and its ranking member, the gentleman from Washington (Mr. DICKS); and I want to thank them for their nice words about me because, as my colleagues know, I will be leaving the Congress after this term.

I intend to support this bill in full. It is a good bill that was developed with broad, bipartisan support, and as I have said for many years, intelligence spending is intelligent spending.

I rise in support now of this excellent amendment by the gentleman from Pennsylvania (Mr. WELDON) and the gentleman from Massachusetts (Mr. MARKEY), because it deals with part of a subject that has concerned many of us for some time, and that is technology transfer from Russia and China to rogue regimes.

□ 1500

We know from published reports that that transfer is continuing. It is continuing in spite of laws on the books in the United States that could cause our government to invoke sanctions against those firms which we have identified as aiding Iran's missile program, and which are doing business with the United States.

I authored a concurrent resolution last fall and the same resolution was offered in the other body, both passed by overwhelming margins, to direct the administration to impose sanctions on firms we have identified as transferring technology to Iran to build its indigenous missile industry. Sanctions have not been imposed.

From what we know, some list of firms is circulating and people are being encouraged not to do business with those firms, but sanctions on the proliferators have not been imposed.

Mr. Chairman, I am a cosponsor and strong supporter of the measure authored by the gentleman from New York (Mr. GILMAN), which has passed this body. An identical measure authored by Senator LOTT is likely to pass the other body very soon. Hopefully then a strong majority of the United States Congress will have expressed its will to make certain that strong sanctions are imposed on firms that are proliferating.

Meanwhile, we do what we can. And in this case, this amendment makes clear that we want to develop the most complete list of proliferators, and we want our intelligence agencies to share that list with our Permanent Select Committee on Intelligence.

Mr. Chairman, I want that list. I think it will be very helpful. But more than the list, I want the technology transfers stopped. The United States can do this if it has the will. I call on the administration, despite its multiple agendas with Russia, to act now against proliferation that has been

publicly identified by Russia to Iran. It is dangerous. It threatens our national security. We cannot wait any longer.

Mr. GOSS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I want to thank the gentleman from Pennsylvania (Mr. WELDON) for his comments, as well as the comments of the gentleman from the Commonwealth of Massachusetts (Mr. MARKEY) and the gentlewoman from California (Ms. HARMAN).

I understand with regard to the gentleman from Pennsylvania that it is his decision to withdraw this amendment at this time. But I also want to quickly say, I want to make sure that he knows and the others that we will work closely with him. In fact, we have already started that process to make sure that we do have the necessary information so that Congress does have the unfettered truth about the proliferation issue. Certainly the Permanent Select Committee on Intelligence wants to have it on both sides. The goal is great and we will get the goal done.

The gentleman is very well respected for his commitment to our Nation's security. I have heard him speak many times. He speaks with knowledge and conviction, a great deal of information, and he certainly has an extraordinary list of contacts. His concern regarding whether our intelligence community is free to deliver the bad news that it sometimes must is very relevant.

Mr. Chairman, the gentleman's efforts on the Committee on National Security are obviously very much appreciated by our committee and by myself personally. We share the same jurisdiction on many programs, and I think we work together very well and I want to continue that and in fact enhance it.

The gentleman's views and concerns on the most difficult and important problem of proliferation of weapons of mass destruction are indeed respected and have been a great trigger in this effort.

Mr. WELDON of Pennsylvania. Mr. Chairman, will the gentleman yield?

Mr. GOSS. I yield to the gentleman from Pennsylvania.

Mr. WELDON of Pennsylvania. Mr. Chairman, I thank the gentleman from Florida (Mr. GOSS), my friend and colleague, for yielding and I am not here to disrupt the proceedings of the Permanent Select Committee on Intelligence, as both Members know, the ranking member and the chairman. I have the highest respect for their leadership and for their commitment.

Mr. Chairman, my concern is with our State Department and with our ability in this institution to get access to relevant data when it occurs in a timely manner.

Mr. Chairman, because of the commitment of the gentleman from Florida (Chairman GOSS) and the distinguished gentleman from Washington (Mr. DICKS), the ranking member, to work with me and with the gentleman from Massachusetts (Mr. MARKEY) and

the gentlewoman from California (Ms. HARMAN) and others on this issue, I ask unanimous consent to withdraw my amendment.

The CHAIRMAN. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

The CHAIRMAN. Are there further amendments to title III?

AMENDMENT NO. 3 OFFERED BY MR. TRAFICANT

Mr. TRAFICANT. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 3 offered by Mr. TRAFICANT:

In title III of the bill, add at the end the following new section:

SEC. 305. ANNUAL REPORT ON INTELLIGENCE COMMUNITY COOPERATION WITH DOMESTIC FEDERAL LAW ENFORCEMENT AGENCIES.

Not later than 90 days after the end of each fiscal year ending after the date of the enactment of this Act, the Director of Central Intelligence shall submit a report to the Congress that describes the level of cooperation and assistance provided to domestic Federal law enforcement agencies by the intelligence community during such fiscal year relating to the effort to stop the flow of illegal drugs into the United States through the United States-Mexico border and the United States-Canada border.

Mr. TRAFICANT. Mr. Chairman, the threat of nuclear proliferation is real and it must be curtailed. But while we keep worrying about missiles from without, narcotics are destroying America from within. I believe that we are losing the war on drugs and it is not because of the money that we are not spending. It is not because of the effort that Congress makes. I believe there is one simple major reason for it. There is not a concentrated, cooperative network effort by our entire intelligence and law enforcement community.

Mr. Chairman, that is the weakness. I do not know if we can solve that in this legislation. I guess I have turned around and voted for this measure and voted against the cut, which is the first time since I have been here. I do have faith in the leaders of this committee and I did say earlier that we deserve in the Congress the chance to see how we can pool efforts to network because I believe our intelligence community should know where these narcotics are grown, who is growing them, who is processing them, who is arranging for their export to America, who here in America is arranging to accept and receive these imports, who is distributing them and what political figures around the world are aiding and abetting the narcotraffickers. I think we must do something about it.

So, Mr. Chairman, my modest effort is very simple. I want to read the salient points of this amendment.

It would require the CIA and the Director of the CIA, through a report to the Congress, to describe the level of cooperation and assistance provided to

domestic Federal law enforcement by our intelligence community. These agencies cannot be separate and apart. This jurisdictional haggling must be resolved. And our intelligence network, if we are going to do anything on 100 percent import of heroin and cocaine, is going to have to work with our domestic people.

Mr. Chairman, I ask for a report at this point. I think it makes good sense, and I would hope that it would be adopted.

Mr. GOSS. Mr. Chairman, will the gentleman yield?

Mr. TRAFICANT. I yield to the gentleman from Florida.

Mr. GOSS. Mr. Chairman, I appreciate the gentleman from Ohio (Mr. TRAFICANT) for yielding to me. Let me assure the gentleman that I take very seriously the necessity of intelligence support for fighting and winning the war on drugs.

There is no question that global narcotics trafficking does require intelligence and it requires a close and good working handoff to law enforcement. I am aware of that. Progress has been made. I think that the gentleman's contribution to this, requiring this report, is very beneficial and I am prepared to accept his amendment.

Mr. DICKS. Mr. Chairman, will the gentleman yield?

Mr. TRAFICANT. I yield to the gentleman from Washington.

Mr. DICKS. Mr. Chairman, I compliment my friend, the gentleman from Ohio (Mr. TRAFICANT) again for another amendment that I find completely acceptable. This cooperation must exist and we must do better in this effort. I concur with my chairman that this is a national priority and one that will be aided by this report. I urge that the Committee accept the amendment.

Mr. TRAFICANT. Mr. Chairman, reclaiming my time, I urge an "aye" vote.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio (Mr. TRAFICANT).

The amendment was agreed to.

The CHAIRMAN. Are there further amendments to title III?

If not, the Clerk will designate title IV.

The text of title IV is as follows:

TITLE IV—CENTRAL INTELLIGENCE AGENCY

SEC. 401. ENHANCED PROTECTIVE AUTHORITY FOR CIA PERSONNEL AND FAMILY MEMBERS.

Section 5(a)(4) of the Central Intelligence Agency Act of 1949 (50 U.S.C. 403f(a)(4)) is amended by striking out "and the protection of Agency personnel and of defectors, their families" and inserting in lieu thereof "and the protection of current and former Agency personnel and their immediate families, and defectors and their immediate families".

SEC. 402. TECHNICAL AMENDMENTS.

(a) CENTRAL INTELLIGENCE AGENCY ACT OF 1949.—(1) Section 5(a)(1) of the Central Intelligence Agency Act of 1949 (50 U.S.C. 403f(a)(1)) is amended—

(A) by striking out "subparagraphs (B) and (C) of section 102(a)(2)" and inserting in lieu thereof "paragraphs (2) and (3) of section 102(a)";

(B) by striking out "(c)(5)" and inserting in lieu thereof "(c)(6)";

(C) by inserting "(3)," after "403(a)(2).";

(D) by inserting "(c)(6), (d)" after "403-3"; and

(E) by inserting "(a), (g)" after "403-4".

(2) Section 6 of such Act (50 U.S.C. 403g) is amended by striking out "(c)(5)" each place it appears and inserting in lieu thereof "(c)(6)".

(b) CENTRAL INTELLIGENCE AGENCY RETIREMENT ACT.—Section 201(c) of the Central Intelligence Agency Retirement Act (50 U.S.C. 2011(c)) is amended by striking out "(c)(5)" each place it appears and inserting in lieu thereof "(c)(6)".

The CHAIRMAN. Are there amendments to title IV?

AMENDMENT NO. 4 OFFERED BY MS. WATERS

Ms. WATERS. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 4 offered by Ms. WATERS:

At the end of title IV, add the following new section:

SEC. 404. REVIEW OF 1995 MEMORANDUM OF UNDERSTANDING REQUIRING THE CIA TO REPORT TO THE ATTORNEY GENERAL INFORMATION REGARDING DRUG TRAFFICKING INVOLVING ITS FORMER OR CURRENT OFFICERS, STAFF EMPLOYEES, CONTRACT EMPLOYEES, ASSETS, OR OTHER PERSON OR ENTITY PROVIDING SERVICE TO OR ACTING ON BEHALF OF ANY AGENCY WITHIN THE INTELLIGENCE COMMUNITY.

(a) REVIEW OF 1995 MEMORANDUM OF UNDERSTANDING REGARDING REPORTING OF INFORMATION CONCERNING FEDERAL CRIMES.—The Attorney General shall review the 1995 "Memorandum of Understanding: Reporting of Information Concerning Federal Crimes" between the Attorney General, Secretary of Defense, Director of Central Intelligence, Director of National Security Agency, Director of Defense Intelligence Agency, Assistant Secretary of State, Intelligence and Research, and Director of the Non-Proliferation and National Security, Department of Energy. This review shall determine whether the 1995 Memorandum of Understanding requires:

(i) REPORT TO THE ATTORNEY GENERAL.—Whenever the Director of Central Intelligence has knowledge of facts or circumstances that reasonably indicate any former or current officers, staff employees, contract employees, assets, or other person or entity providing service to, or acting on behalf of any agency within the intelligence community has been involved with, is involved with or will be involved with drug trafficking or any violations of U.S. drug laws, the Director shall report such information to the Attorney General of the United States.

(ii) DUTY OF INTELLIGENCE EMPLOYEES TO REPORT.—Each employee of any agency within the intelligence community who has knowledge of facts or circumstances that reasonably indicate any former or current officers, staff employees, contract employees, assets, or other person or entity providing service to, or acting on behalf of, any agency within the intelligence community has been involved with, is involved with, or will be involved with drug trafficking or any violations of U.S. drug laws, shall report such information to the Director of Central Intelligence.

(b) PUBLIC REPORT.—Upon completion of review, the Attorney General shall publicly report its findings.

Mr. GOSS. Mr. Chairman, I reserve a point of order against this amendment.

The CHAIRMAN. The gentleman from Florida (Mr. GOSS) reserves a point of order.

The gentlewoman from California (Ms. WATERS) is recognized for 5 minutes.

Ms. WATERS. Mr. Chairman, this amendment would call for a review of the 1995 memorandum of understanding that currently exists between the Director of Central Intelligence and the intelligence community and the Department of Justice regarding reporting of information concerning Federal crimes.

This amendment is very simple and noncontroversial. It calls for a review of the current memorandum of understanding to ensure that drug trafficking and drug law violations by anybody in the intelligence community is reported to the Department of Justice. Specifically, the review would examine any requirements for intelligence employees to report to the Director of Central Intelligence and any requirements for the Director to report this information to agencies.

This information would be reported to the Attorney General. The review would be published publicly. This simple amendment fits well with the recent calls for a reinvigorated war on drugs. The need for this amendment, however, cannot be understated.

One of the most important things that came out of the hearing of the House Permanent Select Committee on Intelligence was an understanding about why we did not know about who was trafficking in drugs as we began to investigate and take a look at the allegations that were being made about the CIA's involvement in drug trafficking in south central Los Angeles and the allegations that profits from that drug trafficking was going to support the Contras.

We discovered that for 13 years the CIA and the Department of Justice followed a memorandum of understanding that explicitly exempted the requirement to report drug law violations by CIA non-employees to the Department of Justice. This allowed some of the biggest drug lords in the world to operate without fear that the CIA would be required to report the activity to the DEA and other law enforcement agencies.

In 1982, the Attorney General and the Director of Central Intelligence entered into an agreement that excluded the reporting of narcotics and drug crimes by the CIA to the Justice Department. Under this agreement, there was no requirement to report information of drug trafficking and drug law violations with respect to CIA agents, assets, non-staff employees and contractors. This remarkable and secret agreement was enforced from February 1982 to August of 1995. This covers nearly the entire period of U.S. involvement in the Contra war in Nicaragua and the deep U.S. involvement in the

counterinsurgency activities in El Salvador and Central America.

Senator KERRY and his Senate investigation found drug traffickers had used the Contra war and tie to the Contra leadership to help this deadly trade. Among their devastating findings, the Kerry committee investigators found that major drug lords used the Contra supply networks and the traffickers provided support for Contras in return. The CIA of course, created, trained, supported, and directed the Contras and were involved in every level of their war.

The 1982 memorandum of understanding that exempted the reporting requirement for drug trafficking was no oversight or misstatement. Previously unreleased memos between the Attorney General and Director of Central Intelligence show how conscious and deliberate this exemption was.

On February 11, 1982, Attorney General French Smith wrote to DCI William Casey that, and I quote, this is what he said:

I have been advised that a question arose regarding the need to add narcotics violations to the list of reportable non-employee crimes . . . no formal requirement regarding the reporting of narcotics violations has been included in these procedures.

On March 2, 1982 William Casey responded:

I am pleased these procedures which I believe strike the proper balance between enforcement of the law and protection of intelligence sources and methods will now be forwarded to other agencies covered by them for signing by the heads of those agencies.

My colleagues heard me correctly.

The CHAIRMAN. The time of the gentlewoman from California (Ms. WATERS) has expired.

(By unanimous consent, Ms. WATERS was allowed to proceed for 3 additional minutes.)

Ms. WATERS. Mr. Chairman, the fact that President Reagan's Attorney General and Director of Central Intelligence thought that drug trafficking by their assets agents and contractors needed to be protected has been long known. These damning memorandums and the resulting memorandum of understanding are further evidence of a shocking official policy that allowed the drug cartels to operate through the CIA-led Contra covert operations in Central America.

This 1982 agreement clearly violated the Central Intelligence Agency Act of 1949. It also raises the possibility that certain individuals who testified in front of congressional investigating committees perjured themselves.

Mr. Chairman, every American should be shocked by these revelations. Given the shameful history of turning a blind eye to CIA involvement with drug traffickers, this amendment seeks to determine whether the current memorandum of understanding closes all of these loopholes to the drug cartels and narcotics trade.

At this time I know that there is a point of order against my amendment.

The chairman of the committee is going to oppose this amendment, and so I am going to withdraw the amendment. But I wanted the opportunity to put it before this body so that they could understand that we had an official policy and a memorandum of understanding that people could fall back on and say I did not have to report it. Yes, I knew about it.

We have a subsequent memorandum of understanding of 1995 that is supposed to take care of it. I am not sure that it does.

Mr. Chairman, I submit for the RECORD the following correspondence between William French Smith and William J. Casey:

OFFICE OF THE ATTORNEY GENERAL,
Washington, DC, February 11, 1982.

Hon. WILLIAM J. CASEY,
Director, Central Intelligence Agency, Washington, DC.

DEAR BILL: Thank you for your letter regarding the procedures governing the reporting and use of information concerning federal crimes. I have reviewed the draft of the procedures that accompanied your letter and, in particular, the minor changes made in the draft that I had previously sent to you. These proposed changes are acceptable and, therefore, I have signed the procedures.

I have been advised that a question arose regarding the need to add narcotics violations to the list of reportable non-employee crimes (Section IV). 21 U.S.C. §874(h) provides that "[w]hen requested by the Attorney General, it shall be the duty of any agency or instrumentality of the Federal Government to furnish assistance to him for carrying out his functions under [the Controlled Substances Act] . . ." Section 1.8(b) of Executive Order 12333 tasks the Central Intelligence Agency to "collect, produce and disseminate intelligence on foreign aspects of narcotics production and trafficking." Moreover, authorization for the dissemination of information concerning narcotics violations to law enforcement agencies, including the Department of Justice, is provided by sections 2.3(c) and (i) and 2.6(b) of the Order. In light of these provisions, and in view of the fine cooperation the Drug Enforcement Administration has received from CIA, no formal requirement regarding the reporting of narcotics violations has been included in these procedures. We look forward to the CIA's continuing cooperation with the Department of Justice in this area.

In view of our agreement regarding the procedure, I have instructed my Counsel for Intelligence Policy to circulate a copy which I have executed to each of the other agencies covered by the procedures in order that they may be signed by the head of each such agency.

Sincerely,

WILLIAM FRENCH SMITH,
Attorney General.

THE DIRECTOR OF
CENTRAL INTELLIGENCE,
Washington, DC, March 2, 1982.

Hon. WILLIAM FRENCH SMITH,
Attorney General, Department of Justice, Washington, DC.

DEAR BILL: Thank you for your letter of 11 February regarding the procedures on reporting of crimes to the Department of Justice, which are being adopted under Section 1-7(a) of Executive Order 12333. I have signed the procedures, and am returning the original to you for retention at the Department.

I am pleased that these procedures, which I believe strike the proper balance between

enforcement of the law and protection of intelligence sources and methods, will now be forwarded to other agencies covered by them for signing by the heads of those agencies.

With best regards,

Yours,

WILLIAM J. CASEY.

Enclosure.

REPORTING AND USE OF INFORMATION CONCERNING FEDERAL CRIMES

I. SCOPE

Section 1-7(a) of Executive Order 12333 requires senior officials of the Intelligence Community to:

Report to the Attorney General possible violations of federal criminal laws by employees and of specified federal criminal laws by any other person as provided in procedures agreed upon by the Attorney General and the head of the department or agency concerned, in a manner consistent with the protection of intelligence sources and methods, as specified in those procedures.

These procedures govern the reporting of information concerning possible federal crimes to the Attorney General and to federal investigative agencies acquired by agencies within the Intelligence Community in the course of their functions. They also govern the handling and use of such information by the Department of Justice and federal investigative agencies in any subsequent investigations or litigation. These procedures are promulgated under the authority of 28 U.S.C. §535 and Executive Order 12333, §1-7(a).

II. DEFINITIONS

A. "Agency" means those agencies within the Intelligence Community, as defined in Executive Order 12333, §3-4(f) except for the intelligence elements of the Federal Bureau of Investigation and the Department of the Treasury.

B. "Department" means the Department of Justice.

C. "Employee" means:

1. A staff employee or contract employee of an Agency;
2. Former officers or employees of an Agency, for purposes of offenses committed during their employment; and
3. Former officers or employees of an Agency, for offenses involving a violation of 18 U.S.C. §207.

D. Except as specifically provided otherwise, "General Counsel" means the general counsel of the Agency or the department of which it is a component or a person designated by him to act on his behalf.

III. GENERAL CONSIDERATIONS

A. These procedures govern the reporting of information which the Agency or its current employees become aware of in the course of performing their functions. They do not authorize the Agency to conduct any investigation or to collect any information not otherwise authorized by law.

B. These procedures require a current employee of the Agency to report to the General Counsel facts or circumstances that appear to the employee to indicate that a criminal offense may have been committed. Reports to the Department of Justice or to a federal investigative agency will be made by the Agency as set forth below.

C. When an Agency has received allegations, complaints or information [hereinafter "allegations"] tending to show that an employee of that agency may have violated any federal criminal statute, or another person may have violated a federal criminal statute contained within one of the categories listed in Section IV below, the Agency shall within a reasonable period of time determine through a preliminary inquiry whether or not there is any basis to the allegations (that is, are clearly not frivolous or

false). If the allegations can be established as without basis, the General Counsel will make an appropriate record of his findings and no reporting under these procedures is required. If the allegations cannot be established as without basis, the reporting procedures set forth below will be followed. A preliminary inquiry shall not include interviews with persons other than current employees of the Agency or examination of premises not occupied by the Agency without the prior notification and approval of the Department of Justice, except that the Agency may interview a non-employee for the sole purpose of determining the truth of a report that such non-employee has made an allegation or complaint against an Agency employee. The foregoing provisions shall neither limit the techniques which the Agency may otherwise be authorized to use, nor limit the responsibility of the Agency to provide for its security functions pursuant to Executive Order 12333.

D. Allegations shall be reported pursuant to the procedures in effect at the time the allegations came to the attention of the Agency.

E. Allegations that appear to involve crimes against property and involve less than \$500 need not be reported pursuant to the procedures set forth below. The General Counsel will, however, make an appropriate record of his findings.

F. In lieu of following the procedures set forth below, the General Counsel may orally report periodically, but at least quarterly, to the Department concerning those offenses which, while subject to these reporting requirements, are in the opinion of the General Counsel of such a minor nature that no further investigation or prosecution of the matter is necessary. If an oral report is made, the General Counsel will meet with the Assistant Attorney General or a designated Deputy Assistant Attorney General of the Criminal Division, Department of Justice to obtain his concurrence or nonconcurrence with the General Counsel's opinion. If such concurrence is obtained, no further reporting under these procedures is required. If concurrence is not obtained, the reporting procedures set forth below will be followed.

IV. NON-EMPLOYEE REPORTABLE OFFENSES

A. Allegations concerning offenses in the following categories are reportable, if they pertain to a person other than an employee.

1. Crimes involving intentional infliction or threat of death or serious physical harm. Such crimes may include:

Assault—18 U.S.C. §§111-113(A).
Homicide—18 U.S.C. §§1111-14, 1116, 2113(e).
Kidnapping—18 U.S.C. §1201.
Presidential assassination, assault or kidnapping—18 U.S.C. §1751.

Threats against the President and successors to the President—18 U.S.C. §871.

2. Crimes likely to impact upon the national security, defense or foreign relations of the United States. Such crimes may include:

Communicating classified information—50 U.S.C. §783(b).
Espionage—18 U.S.C. §§793-98.
Sabotage—18 U.S.C. §§2151-57.
Arms Export Control Act—22 U.S.C. §2778.
Atomic Energy Act—* * * U.S.C. §§2077, 2092, 2111, 2122.
Export Administration Act—50 U.S.C. App. §2410.

Neutrality offenses—18 U.S.C. §§956-60.
Trading with the Enemy Act—50 U.S.C. App. §§5(b), 16.

Agents of foreign government—18 U.S.C. §951.

Government employee acting for a foreign principal—18 U.S.C. §219.

Communication, receipt or disclosure of restricted data—42 U.S.C. §2274-77.

Registration of certain persons trained in foreign espionage systems—50 U.S.C. §§851.

Foreign Agents Registration Act—22 U.S.C. §618(a).

Unlawfully entering the United States—8 U.S.C. §1325.

Any other offense not heretofore listed which is contained within Chapter 45 of Title 18 U.S.C.

3. Crimes involving foreign interference with the integrity of United States governmental institutions or processes. Such crimes may include, when committed by foreign persons:

Bribery of public officials and witnesses—18 U.S.C. §§201-208.

Conspiracy to injure or impede an officer—18 U.S.C. §372.

Election contributions and expenditures—2 U.S.C. §§441a-j, 599-600.

4. Crimes which appear to have been committed by or on behalf of a foreign power or in connection with international terrorist activity. Such crimes may include:

Aircraft piracy—49 U.S.C. §1472(i).

Distribution, possession, and use of explosives—18 U.S.C. §§842(a)-(i).

Unlawful electronic surveillance—18 U.S.C. §§2511(l), 2512(l), 50 U.S.C. §1809.

Passport and visa offenses—18 U.S.C. §§1541-44, 1546.

Distribution, possession, transfer, and use of firearms—18 U.S.C. §922, 924; 26 U.S.C. §5861.

Transporting explosives on board aircraft—49 U.S.C. §1472(h).

Conspiracy to injure or impede an officer—18 U.S.C. §372.

Counterfeiting U.S. obligations—18 U.S.C. §471-74.

False statements and false official papers—18 U.S.C. §§1001-02, 1017-18.

Obstruction of justice—18 U.S.C. §§1503-06, 1508-10.

Perjury—18 U.S.C. §1621-23.

B. Any conspiracy or attempt to commit a crime reportable under this section shall be reported if the conspiracy or attempt itself meets the applicable reporting criteria.

C. The General Counsel will make an appropriate record of any matter brought to his attention which he determines is not reportable under this section.

D. Notwithstanding any of the provisions above, the General Counsel may report any other possible offense when he believes it should be reported.

V. REPORTING PROCEDURES—FORMAT

The fact that a referral has been made pursuant to these procedures shall be reflected in a letter or memorandum sent by the Agency to the entity designated to receive the referral under these procedures. In each instance that a referral is required, information sufficiently detailed to allow the Department of Justice to make informed judgments concerning the appropriate course of subsequent investigations or litigation shall be transmitted, either orally or in writing, to the Attorney General, the Assistant or a designated Deputy Assistant Attorney General, Criminal Division, Department of Justice, or the Assistant Director, Criminal Investigative or Intelligence Division, Federal Bureau of Investigation. The Agency shall supplement its referral when any additional information relating to the original referral comes to its attention.

VI. REPORTING PROCEDURES—NO SECURITY CONSIDERATIONS INVOLVED

A. Where the Agency determines in accordance with these procedures that a matter must be reported, and where the Agency further determines that no public disclosure of classified information or intelligence sources and methods would result from further investigation or prosecution, and the security of ongoing intelligence operations would not

be jeopardized thereby, the Agency will report the matter to the appropriate federal investigative agency, or to the appropriate United States Attorney for an investigative or prosecutive determination. In each such instance, the Agency shall also notify the Department of Justice, Criminal Division of the referral.

B. The Agency will inform the entity receiving such report that, unless notified otherwise by the Agency or by the Department, the security and consulting requirements set forth in Section VII of these procedures need not be followed.

C. A federal investigative agency or United States Attorney receiving information from the Agency pursuant to Section VI of these procedures is required promptly to advise the Agency of the initiation and conclusion of any investigation or prosecution involving such information.

VII. REPORTING PROCEDURES—SECURITY

CONSIDERATIONS INVOLVED

A. Where the Agency determines in accordance with these procedures that a matter must be reported, and where the Agency also determines that further investigation or prosecution of the matter would or might result in a public disclosure of classified information or intelligence sources or methods or would jeopardize the security of ongoing intelligence operations, the Agency will report the matter to the Assistant Attorney General or a designated Deputy Assistant Attorney General, Criminal Division, Department of Justice or Assistant Director, Criminal Investigative or Intelligence Division, Federal Bureau of Investigation, in the manner described in section V, above. In any instance in which a matter is reported to the Federal Bureau of Investigation, the Agency shall also notify the Department of Justice, Criminal Division of the referral. Upon request, the Agency will explain the security or operational problems that would or might arise from a criminal investigation or prosecution.

B. Persons who are the subject of reports made pursuant to this section may be identified as John Doe _____ in any written document associated therewith. The true identities of such persons will be made available when the Department of Justice determines that they are essential to any subsequent investigation or prosecution of the matter reported.

C. Information contained in Agency reports will be disseminated to persons other than the Assistant or Deputy Assistant Attorney General or the Assistant Director, Criminal Investigative or Intelligence Division, FBI, only as follows:

1. No Department or Federal investigative employee will be given access to classified information unless that person has been granted appropriate clearances, including any special access approvals. The Assistant or Deputy Assistant Attorney General or the Assistant Director, Criminal Investigative or Intelligence Division, FBI, will ensure that access by an employee is necessary for the performance of an official function and that access is limited to the minimum number of cleared persons necessary for investigative or prosecutorial purposes. The Department will provide the head of the Agency with a detailed report regarding any disclosure not authorized by these procedures and will take appropriate disciplinary action against any employee who participates in such a disclosure.

2. With regard to information reported to the Criminal Division, Department of Justice, which the general counsel of an Agency designates in writing as particularly sensitive and for which special dissemination controls are requested pursuant to this provision, dissemination will only occur after

consultation with the General Counsel of the Agency. The designation of information as particularly sensitive may be made only by the general counsel or acting general counsel of an Agency.

3. Except as permitted by these procedures, classified information which has been received by the Department, the FBI, or other federal investigative agency pursuant to these procedures may not be disseminated outside of that entity without the advance written consent of the General Counsel or the head of the Agency.

D. When it becomes apparent to the Department or federal investigative agency that any investigative or legal action may result in the disclosure of classified information or intelligence sources or methods, the Department or federal investigative agency will, at the earliest possible time, fully advise and consult with the Agency to determine the appropriate course of action and the potential harm to intelligence sources and methods by the contemplated use or disclosure of the classified information. Except in exigent circumstances no investigative or legal action will be taken without such advance notice and consultation.

1. "Exigent circumstances" means situations in which a person's life or physical safety is reasonably believed to be in imminent danger, or information relating to the national security is reasonably believed to be in imminent danger of compromise, or expiration of a statute of limitations is imminent, or loss of essential evidence in any of these cases is imminent, or a crime is about to be committed, or the opportunity to arrest a person is about to be lost where there is probable cause to believe that the person has committed a crime.

2. If, due to exigent circumstances, any investigation or significant contemplated action in any legal proceeding is taken without advance notice or consultation, the Department or federal investigative agency, within twenty-four hours of taking such action, will provide the reporting agency an explanation of the circumstances requiring that action. Thereafter, there will be full adherence to the notification and consultation requirements of these procedures.

3. For purposes of this provision, consultation will include the specific investigative and legal actions the Department or federal investigative agency purposes to take and a specification of legal and investigative issues involved. The purpose of the consultation is to assure an opportunity for the Agency to provide its judgment to the Department or federal investigative agency regarding the potential damage, if any, to the national security of the disclosure or use of the information at issue. During this process, the Agency will promptly provide as detailed an identification and analysis as is possible at the time of the potential consequences for the intelligence sources or methods and for the national security from the contemplated disclosure or use of the classified information. The Agency will also provide any changes to or elaborations of this analysis as soon as they become evident.

4. If the Agency and the Department or federal investigative agency agree that the risk of the use or disclosure and any resulting consequences are acceptable, the contemplated investigative or legal action may commence or proceed.

5. If the Agency and the Department of Justice or federal investigative agency are unable to agree as to the appropriate use of classified information provided pursuant to these procedures by the Agency, each entity will be responsible for pursuing timely resolution of such issues as may exist through appropriate channels within their respective organizations. Each entity will provide no-

tice to the other entity if it intends to seek a resolution of the issues by a higher authority in the other entity's department or agency. Where issues remain, they shall be referred to the Attorney General for final determination after appropriate consultation with the head of the Agency, and, where appropriate, the Director of Central Intelligence. The decision of the Attorney General may be appealed to the President with prior notice to the Attorney General and the Director of Central Intelligence. While such an appeal is pending, no action will be taken that would render moot the President's decision.

E. When security considerations warrant such action, any matter may be reported directly by the head of the Agency to the Attorney General or the Acting Attorney General, in the manner described in section V above. In considering such reports, the Attorney General or the Acting Attorney General may consult with any person whose advice he considers necessary and who has the required security clearance, provided that the Attorney General or the Acting Attorney General will consult with the head of the reporting agency or the General Counsel thereof concerning dissemination of material designated "Eyes Only."

F. If requested by the Agency, classified information provided by the Agency to the Department or a federal investigative agency will, to the maximum extent possible and consistent with investigative and prosecutive requirements, be stored by the Agency.

VIII. RELATION TO OTHER PROCEDURES AND AGREEMENTS

A. If the Agency for administrative or security reasons desires to conduct a more extensive investigation into the activities of its employees relating to any matter reported pursuant to these procedures, it will inform the Department or federal investigative agency, as is appropriate. The Agency may take appropriate administrative, disciplinary, or other adverse action at any time against any employee whose activities are reported under these procedures. However, such investigations and disciplinary action will be coordinated with the appropriate investigative or prosecuting officials to avoid prejudice to any criminal investigation or prosecution.

B. Nothing in these procedures shall be construed to restrict the exchange of information among the Agencies in the Intelligence Community or between those Agencies and law enforcement entities other than the Department of Justice.

C. If the subject of a referral is an employee of another agency other than a person subject to the Uniform Code of Military Justice, the Criminal Division may refer the matter to that agency for preliminary investigation and possible administrative action. The employing agency will report the results of any such preliminary investigation under the procedures for reporting possible crimes by agency employees.

D. Notwithstanding the November 23, 1955, Memorandum of Understanding between the Department of Defense and the Department of Justice, notice of crimes which violate both federal criminal statutes and the Uniform Code of Military Justice shall be given to the Department of Justice as provided. Thereafter, the handling of matters relating to individuals subject to the Uniform Code of Military Justice shall be coordinated by the Criminal Division with the appropriate military service in accordance with existing agreements between the Departments of Justice and Defense.

WILLIAM FRENCH SMITH,
Attorney General.

WILLIAM J. CASEY,
Director of Central Intelligence.

REPORTING OF FEDERAL CRIMES COMMITTED BY OFFICERS OR EMPLOYEES OF AGENCIES IN THE INTELLIGENCE COMMUNITY

Executive Order 12036, §1-706, requires senior officials of the intelligence community to:

Report to the Attorney General evidence of possible violations of federal criminal law by an employee of their department or agency

These procedures govern the reporting of possible federal crimes committed by officers or employees of the intelligence agencies. They are promulgated under the authority of 28 U.S.C. §535 and E.O. 12036, §§1-706, 3-305. Except to the extent indicated in paragraph G, *infra*, they supersede all previous agreements or guidelines.

A. DEFINITIONS

1. "Officer or employee" shall mean:
a. All persons defined as employees in E.O. 12036, §4-204;

b. former officers or employees when the offense was committed during their employment; and

c. former officers or employees when a basis for referral exists with respect to violation of 18 U.S.C. §207.

3. "Basis for referral" shall mean allegations, complaints, or information tending to show that any officer or employee may have violated a federal criminal statute that the agency cannot establish as unfounded within a reasonable time through a preliminary inquiry.

B. DETERMINING BASIS FOR REFERRAL

1. When an agency has received allegations, complaints, or information tending to show that any officer or employee may have violated a Federal criminal statute, it shall determine whether a basis for referral exists.

2. In determining a basis for referral, an agency will not attempt to establish that all elements of the possible violation have occurred or that a particular employee is responsible before referring the matter to the Department of Justice.

3. When the allegations, complaints, or information received are not sufficient to determine whether a basis for referral exists, an agency shall conduct a preliminary inquiry, limited to the following methods:

a. Interviews with current employees;
b. Examination of the records of the agency;

c. Examination of the records of other agencies;

d. Examination of premises occupied by the agency not constituting a physical search, physical surveillance, or electronic surveillance; or

e. Under procedures approved by the Attorney General and in conformity with other legal requirements, physical search, electronic surveillance, or physical surveillance of officers and employees of the agency on premises occupied by the agency.

A preliminary inquiry shall not include interviews with persons who are not current employees of the agency or examination of premises not occupied by the agency, except that the agency may interview a non-employee for the sole purpose of determining the truth of a report that such non-employee has made an allegation or complaint against an agency employee.

C. REFERRAL TO THE DEPARTMENT OF JUSTICE

Referrals shall be made in the following manner:

1. (a) In cases where no public disclosure of classified information or intelligence source and methods would result from further investigation or prosecution, and the security

of ongoing intelligence operations would not be jeopardized thereby, the agency will report the matter to the cognizant office of the Federal Bureau of Investigation, other appropriate United States Attorney or his designee for an investigative or prosecutive determination. Cases involving bribery or conflict of interest will be reported to the Criminal Division.

(b) A record of such referrals and any subsequent agency action to dispose of the matter shall be maintained by the agency, and on a quarterly basis, a summary memorandum indicating the type of crime, place and date of referral and ultimate disposition will be forwarded to the Assistant Attorney General, Criminal Division, or his designee. Referrals made by covert facilities to the United States Attorney, the FBI or other Federal investigative agencies will also be included in the quarterly report with due regard for protection of the security of said installations.

2. In cases where preliminary investigation has failed to develop an identifiable suspect and the agency believes that investigation or prosecution would result in public disclosure of classified information or intelligence sources or methods or would jeopardize the security of ongoing intelligence operations, the Criminal Division will be so informed in writing, following which a determination will be made as to the proper course of action to be pursued in consultation with the agency and the FBI.

3. (a) In cases where preliminary investigation has determined that there is a basis for referral of a matter involving an identifiable agency officer or employee to the Department of Justice, the future investigation or prosecution of which would result in the public disclosure of classified information or intelligence sources or methods or would jeopardize the security of ongoing intelligence operations, a letter explaining the facts of the matter in detail will be forwarded to the Criminal Division. The agency will also forward to the Criminal Division a separate classified memorandum explaining the security or operational problems which would arise from a criminal investigation or prosecution, including, but not limited to:

(1) Public disclosure of information needed to prove the offense or to obtain a search warrant or an electronic surveillance order under chapter 119 of Title 18, United States Code;

(2) Disclosure required by a defense request for discovery of information under Rule 16 of the Federal Rules of Criminal Procedure, 18 U.S.C. 3500, or *Brady v. Maryland*, 373 U.S. 83 (1963); and

(3) Interference with the voluntary provision of cover or other services necessary for intelligence operations by persons other than employees.

(b) In reporting such matter, the agency shall inform the Criminal Division of the steps it has taken to prevent a recurrence of similar offenses, if such action is feasible, as well as those administrative sanctions which may be contemplated with respect to the prospective criminal defendant.

(c) The Criminal Division, after any necessary consultation with the agency and the FBI, will make a prosecutive determination, informing the agency in writing of such determination.

4. Officers or employees who are the subject of such referrals to any component of the Department of Justice may be identified as John Doe _____ in any written document associated with the initial referral. The true identities of such persons will be made available when the Department determines that they are essential to any subsequent investigation or prosecution of the matter referred.

D. FURTHER ACTION BY AGENCIES

If, as a result of the preliminary inquiry, the agency desires to conduct a more extensive investigation for administrative or security reasons, it will inform the Department of Justice component to which the matter is referred. The agency may take appropriate administrative, disciplinary, or other adverse action at any time against any officer or employee whose activities are reported under these procedures. However, internal agency investigations and disciplinary action in referred matters will be coordinated with the appropriate investigative or prosecuting officials to avoid prejudice to any criminal investigation or prosecution.

E. FORMAT OF REFERRALS

All referrals required by these procedures shall be in writing and in such detail as the Department of Justice component receiving the referral shall determine.

F. DIRECT REPORTS TO THE ATTORNEY GENERAL

When the head of an agency within the intelligence community believes that circumstances of security warrant it, he may directly report to the Attorney General in writing any matter required to be referred by these procedures, in lieu of following the reporting procedures of paragraphs C-E, *supra*.

G. RELATION TO OTHER PROCEDURES AND AGREEMENTS

1. Notwithstanding the November 25, 1955 Memorandum of Understanding between the Department of Defense and the Department of Justice, notice of crimes committed by an officer or employee which violate both federal criminal statutes and the Uniform Code of Military Justice shall be given to the Department of Justice as provided herein. Thereafter, the investigation and prosecution of individuals subject to the Uniform Code of Military Justice shall be conducted as provided by the 1955 Memorandum of Understanding.

2. These procedures do not affect the reporting of possible offenses by regular, permanent FBI employees to the Office of Professional Responsibility, Department of Justice.

3. Nothing in these procedures shall be construed to restrict the exchange of information between agencies in the intelligence community required by other procedures or agreements made under E.O. 12036.

GRIFFIN B. BELL,
Attorney General.

PROCEDURES FOR REPORTING FEDERAL CRIMES BY NON-EMPLOYEES UNDER E.O. 12036 § 1-706

Section 1-706 of Executive Order 12036 requires senior officials of the intelligence community to:

Report to the Attorney General evidence of possible violations of federal criminal law by an employee of their department or agency, and report to the Attorney General evidence of possible violations by other persons of those federal criminal laws specified in guidelines adopted by the Attorney General.

These guidelines specify the violations of federal criminal statutes by non-employees which must be reported and provide reporting procedures.

A. DEFINITIONS

1. "Agency" shall mean:
a. The Central Intelligence Agency;
b. the National Security Agency;
c. the Defense Intelligence Agency;
d. offices within DoD for the Collection of specialized national foreign intelligence through reconnaissance programs;

B. POLICY AND INTERPRETATION

1. These procedures govern the reporting of information of which the agency or its em-

ployees become aware in the course of performing their lawful functions. They do not authorize an agency to conduct any investigation or to collect any information not otherwise authorized by law.

2. These procedures require an employee of an agency in the intelligence community to report to the general counsel of his department or agency facts or circumstances that appear to the employee to indicate that a criminal offense has been committed. Reports to the Department of Justice will be made by the general counsel of the department or agency or his delegate only as set forth below.

C. REPORTABLE OFFENSES

Information or allegations showing that the following federal offenses may have been committed shall be reported:

1. Crimes involving intentional infliction or threat of death or serious physical harm. Pertinent federal offenses include:

Assault—18 U.S.C. §§111-113(a).

Homicide—18 U.S.C. §§1111-14, 1116, 2113(e).

Kidnapping—18 U.S.C. §1201.

Congressional assassination, assault or kidnapping—18 U.S.C. §1751.

Threatening the President—18 U.S.C. §871.

2. Crimes that impact on the national security, defense or foreign relations of the United States. Pertinent federal offenses include:

Communicating classified information—50 U.S.C. §783(b).

Espionage—18 U.S.C. §§793-9.

Sabotage—18 U.S.C. §§2151-57.

Arms Export Control Act—22 U.S.C. §1778.

Export Control Act—50 U.S.C. §2405.

Neutrality offenses—18 U.S.C. §§956-60.

Trading with the Enemy Act—50 App. U.S.C. §§5(b), 16.

Acting as an unregistered foreign agent—18 U.S.C. §951.

Communicating classified information—50 U.S.C. §783(b).

Government employee acting for a foreign principal—18 U.S.C. §219.

Communicating restricted data—42 U.S.C. §2274-77.

Espionage—18 U.S.C. §§793-98.

Failure to register as foreign espionage trainee—50 U.S.C. §§851-55.

Foreign Agents Registration Act—22 U.S.C. §618(a).

Sabotage—18 U.S.C. §§2151-57.

Unlawful entering the United States—8 U.S.C. §1325.

The general counsel of the agency, by agreement with the Criminal Division, may develop categories of specific crimes which need not be reported because that Particular category could have no significant impact on national security, defense or foreign relations.

3. Any crime meeting any of the following criteria:

a. The crime is committed in circumstances likely to have a substantial impact on the national obstruction of justice—18 U.S.C. §§1503-06, 1508-10.

Perjury—18 U.S.C. §1621-23.

4. The general counsel may report any other possible offense when he believes it should be reported to the Attorney General.

5. Any conspiracy to commit a reportable offense shall be reported.

6. The general counsel shall keep records of any matters referred to him which contain information or allegations of a felony in violation of federal law which the general counsel determines is not reportable under these provisions.

D. REPORTING PROCEDURES

When information or allegations are received by an agency that a subject has committed or is committing a reportable offense, the agency shall transmit the information or

allegations to the Department of Justice in the following manner:

1. In a case where no public disclosure of classified information or intelligence sources and methods would result from further investigation or prosecution, and the security of ongoing intelligence investigations would not be jeopardized thereby, the agency will report the matter to the cognizant office of the Federal Bureau of Investigation, other appropriate Federal investigative agency, or to the appropriate United States Attorney or his designee for an investigative or prosecutive determination.

2. In a case where further investigation or prosecution would result in the public disclosure of classified information or intelligence sources and methods or would jeopardize the conduct of ongoing intelligence operations, a letter explaining the facts of the matter in detail will be forwarded to the Criminal Division. The agency will also forward to the Criminal Division a separate classified memorandum explaining the security or operational problems which would arise from a criminal investigation or prosecution, including, but not limited to:

a. Public disclosure of information needed to prove the offense or to obtain a search warrant or an electronic surveillance order under chapter 119 of Title 18, United States Code;

b. disclosure required by a defense request for discovery of information under Rule 16 of the Federal Rules of Criminal Procedure, 18 U.S.C. § 3500, or *Brady v. Maryland*, 373 U.S. 83 (1963); and

c. interference with the voluntary provision by the subject or persons associated with the subject of cover or other services necessary for intelligence operations.

The Criminal Division, after necessary consultation with the agency, will determine whether to further investigate or prosecute. The agency will be informed of such determination in writing.

E. If the subject of a referral is an employee of another agency other than a person subject to the Uniform Code of Military Justice, the Criminal Division may refer the matter to that agency for preliminary investigation and possible administrative action. The employing agency will report the results of any such preliminary investigation under the procedures for reporting possible crimes by agency employees.

F. If the subject of the referral is a person subject to the Uniform Code of Military Justice, the Criminal Division will coordinate the handling of the matter with the appropriate military service in accordance with existing agreements between the Departments of Justice and Defense.

G. All referrals required by these proceedings shall be in writing and in such detail as the Department of Justice component receiving the referral shall determine.

H. When the head of an agency believes that circumstances of security warrant it, he may directly report to the Attorney General in writing any matter required to be reported by these procedures in lieu of following the procedures of paragraphs D-G.

I. Nothing in these procedures shall be construed to restrict the exchange of information among agencies in the intelligence community required by other procedures or agreements made under E.O. 12036.

GRIFFIN B. BELL,
Attorney General.

MEMORANDUM OF UNDERSTANDING: REPORTING OF INFORMATION CONCERNING FEDERAL CRIMES

I. INTRODUCTION

Section 1.7(a) of Executive Order (E.O.) 12333 requires senior officials of the Intelligence Community to—

Report to the Attorney General possible violations of federal criminal laws by employees and of specified federal criminal laws by any other person as provided in procedures agreed upon by the Attorney General and the head of the department or agency concerned, in a manner consistent with the protection of intelligence sources and methods, as specified in those procedures.

Title 28, United States Code, Section 535(b) requires that—

[a]ny information, allegation, or complaint received in a department or agency of the executive branch of the Government relating to violations of title 18 involving Government officers and employees shall be expeditiously reported to the Attorney General by the head of the department or agency, unless—

(1) the responsibility to perform an investigation with respect thereto is specifically assigned otherwise by another provision of law; or

(2) as to any department or agency of the Government, the Attorney General directs otherwise with respect to a specified class of information, allegation, or complaint.

This Memorandum of Understanding (MOU) sets forth the procedures by which each agency and organization within the Intelligence Community shall report to the Attorney General and to federal investigative agencies information concerning possible federal crimes by employees of an intelligence agency or organization, or violations of specified federal criminal laws by any other person, which information was collected by it during the performance of its designated intelligence activities, as those activities are defined in E.O. 12333, §§ 1.8-1.13.

II. DEFINITIONS.

A. "Agency," as that term is used herein, refers to those agencies and organizations within the Intelligence Community as defined in E.O. 12333, § 3.4(f), but excluding the intelligence elements of the Federal Bureau of Investigation and the Department of the Treasury.

B. "Employee," as that term is used herein, means:

1. a staff employee, contract employee, asset, or other person or entity providing service to or acting on behalf of any agency within the intelligence community;

2. a former officer or employee of any agency within the intelligence community for purposes of an offense committed during such person's employment, and for purposes of an offense involving a violation of 18 U.S.C. § 207 (Conflict of interest); and

3. any other Government employee on detail to the Agency.

C. "General Counsel" means the general counsel of the Agency or of the Department of which it is a component or an oversight person designated by such person to act on his/her behalf, and for purposes of these procedures may include an Inspector General or equivalent official if agency or departmental procedures so require or if designated by the agency or department head.

D. "Inspector General" or "IG" means the inspector general of the Agency or of the department of which the Agency is a component.

E. "Reasonable basis" exists when there are facts and circumstances, either personally known or of which knowledge is acquired from a source believed to be reasonably trustworthy, that would cause a person of reasonable caution to believe that a crime has been, is being, or will be committed. The question of which federal law enforcement or judicial entity has jurisdiction over the alleged criminal acts shall have no bearing upon the issue of whether a reasonable basis exists.

III. SCOPE

A. This MOU shall not be construed to authorize or require the Agency, or any person or entity acting on behalf of the Agency, to conduct any intelligence not otherwise authorized by law, or to collect any information in a manner not authorized by law.

B. This MOU ordinarily does not require an intelligence agency or organization to report crimes information that was collected and disseminated to it by another department, agency, or organization. Where, however, the receiving agency is the primary or sole recipient of that information, or if analysis by the receiving agency reveals additional crimes information, the receiving agency shall be responsible for reporting all such crimes information in accordance with the provisions of this MOU.

C. This MOU does not in any way alter or supersede the obligation of an employee of an intelligence agency to report potential criminal behavior by other employees of that agency to an IG, as required either by statute or by agency regulations, nor affect any protections afforded any persons reporting such behavior to an IG. Nor does this MOU affect any crimes reporting procedures between the IG Offices and the Department of Justice.

D. This MOU does not in any way alter or supersede any obligation of a department or agency to report to the Attorney General criminal behavior by Government employees not employed by the intelligence community, as required by 28 USC § 535.

E. This MOU does not affect the obligation to report to the Federal Bureau of Investigation alleged or suspected espionage activities as required under Section 811(c) of the Intelligence Authorization Act of 1995.

F. The following crimes information is exempted from the application of this memorandum if the specified conditions are met:

1. Crimes information that has been reported to an IG;¹

2. Crimes information received by a Department of Defense intelligence component concerning a Defense intelligence component employee who either is subject to the Uniform Code of Military Justice or is a civilian and has been accused of criminal behavior related to his/her assigned duties or position, if (a) the information is submitted to and investigated by the appropriate Defense Criminal Investigative Organization, and (b) in cases involving crimes committed during the performance of intelligence activities, the General Counsel provides to the Department of Justice a report reflecting the nature of the charges and the disposition thereof;

3. Information regarding non-employee crimes listed in Section VII that is collected by the intelligence component of a Department also having within it a law enforcement organization where (a) the crime is of the type that the Department's law enforcement organization has jurisdiction to investigate; and (b) the Department's intelligence organization submits that crimes information to the Department's law enforcement organization for investigation and further handling in accordance with Department policies and procedures;²

4. Crimes information regarding persons who are not employees of the Agency, as those terms are defined in Section II, that involve crimes against property in an amount of \$1,000 or less, an amount of \$500 or less. As to other relatively minor offenses to which this MOU would ordinarily apply, but which, in the General Counsel's opinion, do not warrant reporting pursuant to this MOU, the General Counsel may orally contact the

¹Footnotes appear at end of Memorandum of Understanding.

Assistant Attorney General, Criminal Division, or his/her designee. If the Department of Justice concurs with that opinion, no further reporting under these procedures is required. The General Counsel shall maintain an appropriate record of such contacts with the Department. If deemed appropriate by the General Counsel, he/she may take necessary steps to pass such information to the appropriate law enforcement authorities; or

5. Information, other than that relating to homicide or espionage, regarding crimes that were completed more than ten years prior to the date such allegations became known to the Agency. If, however, the Agency has a reasonable basis to believe that the alleged criminal activities occurring ten or more years previously relate to, or are a part of, a pattern of criminal activities that continued within that ten year interval, the reporting procedures herein will apply to those activities.

F. The procedures set forth herein are not intended to affect whether an intelligence agency reports to state or local authorities activity that appears to constitute a crime under state law. In the event that an intelligence agency considers it appropriate to report to state or local authorities possible criminal activity that may implicate classified information or intelligence sources or methods, it should inform the AAG, or the designated Deputy AAG, Criminal Division, in accordance with paragraph VIII.C. below; the Criminal Division will consult with the intelligence agency regarding appropriate methods for conveying the information to state or local authorities. In the event that an intelligence agency considers it appropriate to report to state or local authorities possible criminal activity that is not expected to implicate classified information or intelligence sources or methods, it should nevertheless provide a copy of such report to the AAG, or to the designated Deputy AAG, Criminal Division.

IV. GENERAL CONSIDERATIONS: ALLEGATIONS OF CRIMINAL ACTS COMMITTED BY AGENCY EMPLOYEES

A. This Agreement requires each employee of the Agency to report to the General Counsel or IG facts or circumstances that reasonably indicate to the employee that an employee of an intelligence agency has committed, is committing, or will commit a violation of federal criminal law.³

B. Except as exempted in Section III, when the General Counsel has received allegations, complaints or information (hereinafter allegations) that an employee of the Agency may have violated, may be violating, or may violate a federal criminal statute, that General Counsel should within a reasonable period of time determine whether there is a reasonable basis to believe that a federal crime has been, is being, or will be committed and that it is a crime which, under this memorandum, must be reported. The General Counsel may, as set forth in Section V, below, conduct a preliminary inquiry for this purpose. If a preliminary inquiry reveals that there is a reasonable basis for the allegations, the General Counsel will follow the reporting procedures set forth in Section VIII, below. If a preliminary inquiry reveals that the allegations are without a reasonable basis, the General Counsel will make a record, as appropriate, of that finding and no reporting under these procedures is required.

V. PRELIMINARY INQUIRY INTO ALLEGATIONS AGAINST AN AGENCY EMPLOYEE

A. The General Counsel's preliminary inquiry regarding allegations against an Agency employee will ordinarily be limited to the following:

1. Review of materials submitted in support of the allegations;

2. review of Agency indices, records, documents, and files;

3. examination of premises occupied by the Agency;

4. examination of publicly available federal, state, and local government records and other publicly available records and information;

5. interview of the complainant; and

6. interview of any Agency employee, other than the accused, who, in the opinion of the General Counsel, may be able to corroborate or refute the allegations.

B. Where criminal allegations against an Agency employee are subject to this MOU, an interview of that employee may only be undertaken in compliance with the following conditions:

1. Where the crime alleged against an Agency employee does not pertain to a serious felony offense,⁴ a responsible Agency official may interview the accused employee; however, such interview shall only be conducted with the approval of the General Counsel, the IG, or, as to Defense and military employees, the responsible military Judge Advocate General or the responsible Defense Criminal Investigative Organization.

2. Where the crime alleged against an Agency employee is a serious felony offense, the Agency shall ordinarily not interview the accused employee, except where, in the opinion of the General Counsel, there are exigent circumstances⁵ which require that the employee be interviewed. If such exigent circumstances exist, the General Counsel or other attorney in the General Counsel's office may interview the accused employee to the extent reasonably necessary to eliminate or substantially reduce the exigency.

3. In all other cases of alleged serious felonies, the General Counsel, or the General Counsel's designee, may interview the accused employee only after consultation with the Agency's IG, a Defense Criminal Investigative Organization (for Defense and military employees), or with the Department of Justice regarding the procedures to be used during an interview with the accused employee.

Any interview of an accused employee that is undertaken shall be conducted in a manner that does not cause the loss, concealment, destruction, damage or alteration of evidence of the alleged crime, nor result in the immunization of any statements made by the accused employee during that interview. The Agency shall not otherwise be limited by this MOU either as to the techniques it is otherwise authorized to use, or as to its responsibility to provide for its security functions pursuant to E.O. 12333.

VI. GENERAL CONSIDERATIONS: ALLEGATIONS OF CRIMINAL ACTS COMMITTED BY NON-EMPLOYEES

A. This MOU requires each employee of the Agency to report, to the General Counsel or as otherwise directed by the Department or Agency head, facts or circumstances that reasonably indicate to the employee that a non-employee has committed, is committing, or will commit one or more of the specified crimes in Section VII, below.

B. When an Agency has received information concerning alleged violations of federal law by a person other than an employee of an intelligence agency, and has determined that the reported information provides a reasonable basis to conclude that a violation of one of the specified crimes in Section VII has occurred, is occurring, or may occur, the Agency shall report that information to the Department of Justice in accordance with Sections VIII or IX, below.

VII. REPORTABLE OFFENSES BY NON-EMPLOYEES

A. Unless exempted under Section III, above, allegations concerning criminal activities by non-employees are reportable if

they pertain to one or more of the following specified violations of federal criminal law:

1. Crimes involving intentional infliction or threat of death or serious physical harm. These include but are not limited to homicide, kidnapping, hostage taking, assault (including sexual assault), or threats or attempts to commit such offenses, against any person in the United States or a U.S. national or internationally protected person (as defined in 18 U.S.C. §1116 (b)(4)), whether in the United States or abroad.

2. Crimes, including acts of terrorism, that are likely to affect the national security, defense or foreign relations of the United States. These may include but are not limited to:

a. Espionage; sabotage; unauthorized disclosure of classified information; seditious conspiracies to overthrow the government of the United States; fund transfers violating the International Emergency Economic Powers Act; providing material or financial support to terrorists; unauthorized traffic in controlled munitions or technology; or unauthorized traffic in, use of, or contamination by nuclear materials, chemical or biological weapons, or chemical or biological agents; whether in the United States or abroad;

b. Fraudulent entry of persons into the United States, the violation of immigration restrictions or the failure to register as a foreign agent or an intelligence trained agent;

c. Offenses involving interference with foreign governments or interference with the foreign policy of the United States whether occurring in the United States or abroad;

d. Acts of terrorism anywhere in the world which target the U.S. government or its property, U.S. persons, or any property in the United States, or in which the perpetrator is a U.S. person; aircraft hijacking; attacks on aircraft or international aviation facilities; or maritime piracy;

e. The unauthorized transportation or use of firearms or explosives in interstate or foreign commerce.

3. Crimes involving foreign interference with the integrity of U.S. governmental institutions or processes. Such crimes may include:

a. Activities to defraud the U.S. government or any federally protected financial institution, whether occurring in the United States or abroad;

b. Obstruction of justice or bribery of U.S. officials or witnesses in U.S. proceedings, whether occurring in the United States or abroad;

c. Interference with U.S. election proceedings or illegal contributions by foreign persons to U.S. candidates or election committees;

d. Perjury in connection with U.S. proceedings, or false statements made in connection with formal reports or applications to the U.S. government, or in connection with a formal criminal or administrative investigation, whether committed in the United States or abroad;

e. Counterfeiting U.S. obligations or any other governmental currency, security or identification documents used in the United States, whether committed in the United States or abroad; transactions involving stolen governmental securities or identification documents or stolen or counterfeit non-governmental securities.

4. Crimes related to unauthorized electronic surveillance in the United States or to tampering with, or unauthorized access to, computer systems.

5. Violations of U.S. drug laws including: the cultivation, production, transportation, importation, sale, or possession (other than possession of user quantities) of controlled substances; the production, transportation,

importation, and sale of precursor or essential chemicals.

6. The transmittal, investment and/or laundering of the proceeds of any of the unlawful activities listed in this Section, whether committed in the United States or abroad.

B. Any conspiracy or attempt to commit a crime reportable under this section shall be reported if the conspiracy or attempt itself meets the applicable reporting criteria.

C. The Attorney General also encourages the Agency to notify the Department of Justice when the Agency's other routine collection of intelligence in accordance with its authorities results in its acquisition of information about the commission of other serious felony offenses by non-employees, *e.g.*, violations of U.S. environmental laws relating to ocean and inland water discharging or dumping, drinking water contamination, or hazardous waste disposal, and crimes involving interference with the integrity of U.S. governmental institutions or processes that would not otherwise be reportable under Section VII.A.3.

VIII. PROCEDURES FOR SUBMITTING SPECIAL CRIMES REPORTS

A. Where the Agency determines that a matter must be the subject of a special report to the Department of Justice, it may, consistent with paragraphs VIII.B and VIII.C, below, make such a report (1) by letter or other, similar communication from the General Counsel, or (2) by electronic or courier dissemination of information from operational or analytic units, provided that in all cases, the subject line and the text of such communication or dissemination clearly reflects that it is a report of possible criminal activity. The Department of Justice shall maintain a record of all special crimes reports received from the Agency.

B. Where the Agency determines that a matter must be the subject of a special report to the Department of Justice; and where the Agency further determines that no public disclosure of classified information or intelligence sources and methods would result from further investigation or prosecution, and the security of ongoing intelligence operations would not be jeopardized thereby, the Agency will report the matter to the federal investigative agency having jurisdiction over the criminal matter. A copy of that report must also be provided to the AAG, or designated Deputy AAG, Criminal Division.

C. Where the Agency determines that further investigation or prosecution of a matter that must be specially reported may result in a public disclosure of classified information or intelligence sources or methods or would jeopardize the security of ongoing intelligence operations, the Agency shall report the matter to the AAG or designated Deputy AAG, Criminal Division. A copy of that report must also be provided to the Assistant Director, Criminal Investigations or National Security Divisions, Federal Bureau of Investigation, or in the event that the principal investigative responsibility resides with a different federal investigative agency, to an appropriately cleared person of equivalent position in such agency. The Agency's report should explain the security or operational problems that would or might arise from a criminal investigation or prosecution.

D. Written documents associated with the reports submitted pursuant to this section may refer to persons who are the subjects of the reports by non-identifying terms (such as "John Doe _____"). The Agency shall advise the Department of Justice or relevant federal investigative agency of the true identities of such persons if so requested.

E. It is agreed that, in acting upon information reported in accordance with these

procedures, the Agency, the Department of Justice and the relevant federal investigative agencies will deal with classified information, including sources and methods, in a manner consistent with the provisions of relevant statutes and Executive Orders, including the Classified Information Procedures Act.

IX. WHEN ROUTINE DISSEMINATION MAY BE USED IN LIEU OF A SPECIAL CRIMES REPORT

A. Except as set forth in IX.B, below, the Agency may report crimes information regarding non-employees to the Department of Justice by routine dissemination, provided that:

1. the crimes information is of the type that is routinely disseminated by the Agency to headquarters elements of cognizant federal investigative agencies;

2. the criminal activity is of a kind that is normally collected and disseminated to law enforcement by the Agency (*e.g.*, drug trafficking, money laundering, terrorism, or sanctions violations); and

3. the persons or entities involved are members of a class that are routinely the targets or objects of such collection and dissemination.

If all three of these conditions are met, the Agency may satisfy its crimes reporting obligation through routine dissemination to the Department of Justice, Criminal Division, and to all cognizant federal law enforcement agencies, which shall retain primary responsibility for review of disseminated information for evidence of criminal activity. In all other cases, the special reporting procedures in Section VIII shall apply. As requested by the Department of Justice, the Agency will coordinate with the Department to facilitate the Department's analytical capabilities as to the Agency's routine dissemination of crimes information in compliance with this MOU.

B. Routine dissemination, as discussed in IX.A, above, may not be used in lieu of the special reporting requirements set forth herein as to the following categories of criminal activities:

1. Certain crimes involving the intentional infliction or threat of death or serious physical harm (VII.A.1, above);

2. Espionage; sabotage; unauthorized disclosure of classified information; and seditious conspiracies to overthrow the government of the United States (VII.A.2.a, above); and

3. Certain crimes involving foreign interference with the integrity of U.S. governmental institutions or processes (VII.A.3.b and c, above).

X. OTHER AGENCY RESPONSIBILITIES

A. The Agency shall develop internal procedures in accordance with the provisions of Sections VIII and IX for the reporting of criminal information by its employees as required under Sections IV.A and VI.A.

B. The Agency shall also establish initial and continuing training to ensure that its employees engaged in the review and analysis of collected intelligence are knowledgeable of and in compliance with the provisions of this MOU.

XI. RELATION TO OTHER PROCEDURES AND AGREEMENTS

A. If the Agency desires, for administrative or security reasons, to conduct a more extensive investigation into the activities of an employee relating to any matter reported pursuant to this MOU, it will inform the Department of Justice and the federal investigative agency to which the matter was reported. The Agency may also take appropriate administrative, disciplinary, or other adverse action at any time against any employee whose activities are reported under

these procedures. However, such investigations or adverse actions shall be coordinated with the proper investigative or prosecuting officials to avoid prejudice to any criminal investigation or prosecution.

B. Nothing in these procedures shall be construed to restrict the exchange of information among the Agencies in the Intelligence Community or between those Agencies and law enforcement entities other than the Department of Justice.

C. This MOU supersedes all prior crimes reporting memoranda of understanding executed pursuant to the requirements of E.O. 12333. To the extent that there exist any conflicts between other Agency policies or directives and the provisions herein, such conflicts shall be resolved in accordance with the provisions of this MOU. However, this MOU shall not be construed to modify in any way the August 1984 Memorandum of Understanding between the Department of Defense and the Department of Justice relating to the investigation and prosecution of certain crimes.

D. The parties understand and agree that nothing herein shall be construed to alter in any way the current routine dissemination by the Agency of intelligence information, including information regarding alleged criminal activities by any person, to the Department of Justice or to federal law enforcement agencies.

XII. MISCELLANEOUS

A. This MOU shall become effective as to each agency below as of the date signed by the listed representative of that agency.

B. The Intelligence-Law Enforcement Policy Board, within one year of the date of the effective date hereof, and as it deems appropriate thereafter, will appoint a working group consisting of an equal number of representatives from the intelligence and law enforcement communities, including the Criminal Division. That working group shall do the following:

1. review the Agency's implementation of Sections III.F and IV.B, hereof;

2. consider whether the crimes reporting requirements of E.O. 12333 and other authorities are being met through the operation of this MOU;

3. review each of the provisions of this MOU and determine what, if any, modifications thereof should be recommended to the Policy Board, or its successor; and

4. issue a report to the Policy Board of its findings and recommendations in each of the foregoing categories.

C. The Policy Board in turn shall make recommendations to the Attorney General, the Director of Central Intelligence, and the heads of the affected agencies concerning any modifications to the MOU that it considers necessary.

JANET RENO,

Attorney General.

JOHN DEUTSCH,

Director of Central Intelligence.

MICHAEL F. MUNSON,

(For Director, Defense Intelligence Agency).

KENNETH E. BAKER,

Director, Office of Non-Proliferation and National Security, Department of Energy.

WILLIAM J. PERRY,

Secretary of Defense.

J.M. MCCONNELL,

Director, National Security Agency.

TOBY T. GATI,

Assistant Secretary of State, Intelligence and Research.

FOOTNOTES

¹If, however, the IG determines that the reported information is not properly subject to that office's jurisdiction, but that such information may be reportable pursuant to this MOU, the IG may forward the information to the DOJ in compliance with these procedures. Alternatively, the IG may transmit the information to the Agency's General Counsel for a determination of what response, if any, is required by this MOU.

²This MOU does not affect the crimes reporting obligations of any law enforcement and other non-intelligence components of a department, agency, or organization.

³When a General Counsel or IG has received information concerning alleged violations of federal law by an employee of another intelligence community agency, and those violations are not exempted under section III.E.4, hereof, the General Counsel shall notify in writing the General Counsel of the accused employee's agency. The latter General Counsel must then determine whether this MOU requires the allegations to be reported to the Department of Justice.

⁴A "serious felony offense" includes any offense listed in Section VII, hereof, violent crimes, and other offenses which, if committed in the presence of a reasonably prudent and law-abiding person, would cause that person immediately to report that conduct directly to the police. For purposes of this MOU, crimes against government property that do not exceed \$5,000 and are not part of a pattern of continuing behavior or of a criminal conspiracy shall not be considered serious felony offenses.

⁵"Exigent circumstances" are circumstances requiring prompt action by the Agency in order to protect life or substantial property interests; to apprehend or identify a fleeing offender; or to prevent the compromise, loss, concealment, destruction, or alteration of evidence of a crime.

□ 1530

The CHAIRMAN. The time of the gentlewoman from California (Ms. WATERS) has expired.

(On request of Mr. DICKS, and by unanimous consent, Ms. WATERS was allowed to proceed for 2 additional minutes.)

Mr. DICKS. Mr. Chairman, if the gentlewoman would yield to me, I appreciate very much the hard work that the gentlewoman from California has put into this, an enormous effort on her part.

I regret that, because of a technicality, the amendment will not be accepted. I guarantee the gentlewoman we will work with her to make certain that we do everything we can to come up with a strategy to be certain that the understanding that is now in place with the Attorney General is strengthened, so that, in cases where there has been illegal activity or problems, that they must be reported to the Attorney General.

I know that is the thrust of your amendment. As you know, our committee is still involved in our investigation. It may well be one of the conclusions of our investigation that we need to strengthen this area.

I pledge to the gentlewoman from California that I will work with her to get a satisfactory solution. Again, I appreciate the gentlewoman's endeavors and hard work here.

Ms. WATERS. Mr. Chairman, I would like to thank the gentleman from Washington (Mr. DICKS).

Mr. GOSS. Mr. Chairman, will the gentlewoman from California yield?

Ms. WATERS. Yes, I yield to the gentleman from Florida.

Mr. GOSS. Mr. Chairman, I echo what the ranking member has said. I think the gentlewoman from California is right on in an area of critical importance; there is no doubt about that.

We are in the middle of the investigation, as the gentlewoman knows. We are going to have recommendations. Certainly this is an area of concern. I do not know what those recommendations will be, but I assure the gentlewoman that her thoughts and her input on this are being accepted, listened to, and we will be considering them as we go forward with the other information we get in our investigation.

Ms. WATERS. Mr. Chairman, I would like to thank the chairman and our ranking member and say to our ranking member that I really appreciate the fact that he has at least been able to listen to some of the ideas that I have brought to that committee.

I know that the gentleman is, by far, one of the most knowledgeable in this area and that some of the things that I am raising are things that challenge conventional wisdom. But the gentleman has been very cooperative, and I appreciate it.

Mr. DICKS. Mr. Chairman, I appreciate the gentlewoman's kind remarks.

Ms. WATERS. Mr. Chairman, I ask unanimous consent to withdraw the amendment.

The CHAIRMAN. Is there objection to the request of the gentlewoman from California?

There was no objection.

The CHAIRMAN. The amendment is withdrawn.

Are there further amendments to title IV?

The Clerk will designate title V.

The text of title V is as follows:

TITLE V—DEPARTMENT OF DEFENSE INTELLIGENCE ACTIVITIES

SEC. 501. EXTENSION OF AUTHORITY TO ENGAGE IN COMMERCIAL ACTIVITIES AS SECURITY FOR INTELLIGENCE COLLECTION ACTIVITIES.

Section 431(a) of title 10, United States Code, is amended by striking out "December 31, 1998" and inserting in lieu thereof "December 31, 2001".

The CHAIRMAN. Are there amendments to title V?

Are there further amendments to the bill?

If not, the question is on the committee amendment in the nature of a substitute, as modified, as amended.

The committee amendment in the nature of a substitute, as modified, as amended, was agreed to.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. NEY) having assumed the chair, Mr. THORNBERRY, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 3694) to authorize appropriations for fiscal year 1999 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes, pursuant to House Resolution 420, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on the amendment to the committee amendment in the nature of a substitute adopted by the Committee of the Whole? If not, the question is on the committee amendment in the nature of a substitute.

The committee amendment in the nature of a substitute was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. GOSS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 3694, the bill just considered and passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

AUTHORIZING THE CLERK TO MAKE CORRECTIONS IN ENGROSSMENT OF H.R. 3694, INTELLIGENCE AUTHORIZATION ACT FOR FISCAL YEAR 1999

Mr. GOSS. Mr. Speaker, I ask unanimous consent that in the engrossment of the bill, H.R. 3694, the Clerk be authorized to make such technical and conforming changes as may be necessary to correct such things as spelling, punctuation, cross-referencing, and section numbering.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

ANNOUNCEMENT OF FILING DEADLINE FOR H.R. 2431, FREEDOM FROM RELIGIOUS PERSECUTION ACT

(Mr. GOSS asked and was given permission to address the House for 1 minute.)

The SPEAKER pro tempore. Without objection, the gentleman from Florida is recognized for one minute.

There was no objection.

Mr. GOSS. Mr. Speaker, I take this time for the purpose of making an announcement.

Mr. Speaker, the Committee on Rules is planning to meet during the week of May 11 to grant a rule which may restrict amendments for consideration of H.R. 2431, the Freedom from Religious Persecution Act.

Any Member contemplating an amendment should submit 55 copies of the amendment and a brief explanation to the Committee on Rules at H-312 of the Capitol no later than 5 p.m. Tuesday, May 12.

Amendments should be drafted to the text of the H.R. 3806, a new bill introduced today, which consists of H.R.

2431 as reported by the Committee on International Relations, the Committee on the Judiciary, and the Committee on Ways and Means, a copy of which is now available for review at the Committee on International relations.

Members should use the Office of Legislative Counsel to ensure that their amendments are properly drafted and should check with the Office of the Parliamentarian to be certain their amendments comply with the Rules of the House.

ANNOUNCEMENT OF FILING DEADLINE FOR H.R. 3616, FISCAL YEAR 1999 DOD AUTHORIZATION BILL

(Mr. GOSS asked and was given permission to address the House for 1 minute.)

The SPEAKER pro tempore. Without objection, the gentleman from Florida is recognized for 1 minute.

There was no objection.

Mr. GOSS. Mr. Speaker, I take this time for the purpose of making an additional announcement.

Mr. Speaker, the Committee on Rules is planning to meet early in the week of May 18 to grant a rule which may restrict amendments for consideration of H.R. 3616, the Defense Authorization Bill for Fiscal Year 1999.

Any Member contemplating an amendment should submit 55 copies of the amendment and a brief explanation to the Committee on Rules in H-312 of the Capitol no later than 2 p.m. on Thursday, May 14.

Amendments should be drafted to the text of the reported version of the bill, a copy of which will become available during the day tomorrow at the Committee on National Security. The report will be filed early next week.

Members should use the Office of Legislative Counsel to ensure that the amendments are properly drafted and should check with the Office of the Parliamentarian to be certain that amendments comply with the Rules of the House.

ADJOURNMENT TO MONDAY, MAY 11, 1998

Mr. GOSS. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at 2 p.m. on Monday next.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

HOURLY MEETING ON TUESDAY, MAY 12, 1998

Mr. GOSS. Mr. Speaker, I ask unanimous consent that when the House adjourns on Monday, May 11, 1998, it adjourn to meet at 12:30 p.m. on Tuesday, May 12, 1998 for morning hour debates.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

HOURLY MEETING ON WEDNESDAY, MAY 13, 1998

Mr. GOSS. Mr. Speaker, I ask unanimous consent that when the House adjourns on Tuesday, May 12, 1998, it adjourn to meet at 9 a.m. on Wednesday, May 13, 1998 for the purpose of receiving in this Chamber former Members of Congress.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

AUTHORIZING THE SPEAKER TO DECLARE A RECESS ON WEDNESDAY, MAY 13, 1998, FOR THE PURPOSE OF RECEIVING FORMER MEMBERS OF CONGRESS

Mr. GOSS. Mr. Speaker, I ask unanimous consent that it may be in order on Wednesday, May 13, 1998 for the Speaker to declare a recess, subject to the call of the Chair, for the purpose of receiving in this Chamber former members of this Congress.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. GOSS. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday next.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

LEGISLATIVE PROGRAM

(Mr. BONIOR asked and was given permission to address the House for 1 minute.)

Mr. BONIOR. Mr. Speaker, I take this time for the purpose of inquiring about the schedule for the rest of the week and the schedule for the following week.

Let me just pose the question, are we waiting for one of the leaders to come out to the floor?

Mr. STENHOLM. Mr. Speaker, will the minority whip yield for a question?

Mr. BONIOR. Mr. Speaker, I am happy to yield to my friend from Texas.

Mr. STENHOLM. Mr. Speaker, I have been here for the purposes of hoping to hear in the schedule for next week that we were going to have campaign finance reform up, since that was sort of agreed to here when we had a discharge petition that was pulled down, and we had the indication that we were going to have this bill up. I had hoped to be over here to hear that colloquy be-

tween you and the majority. I guess they are not here.

Mr. BONIOR. I am still hoping that they will come. That was one of my main concerns on the schedule for next week.

Mr. FOLEY. Mr. Speaker, will the gentleman yield?

Mr. BONIOR. Mr. Speaker, I am happy to yield to the gentleman from Florida.

Mr. FOLEY. Mr. Speaker, I have just been informed, obviously we did not have a rollcall, and the leaders have been off campus, and we will be publishing next week's schedule in the RECORD.

Mr. BONIOR. Does the gentleman from Florida know if campaign finance will be brought up next week?

Mr. FOLEY. That is all I know. That is all the information I have at this time.

Mr. BONIOR. Mr. Speaker, I really have tried to be very reasonable about these discussions this year. I am a little concerned here. Forgive me for getting into this issue, but we have had so many miscommunications, delays, and, if you will pardon me, broken promises on this that I am disturbed by this.

There was a handshake by the President and the Speaker that we would have campaign finance reform. Nothing happened for a long period of time. Then, in March, we had this procedure that really locked out a lot of the issues that people wanted to talk about on this floor, especially the Meehan-Shays proposal and other very good proposals.

Then we had a discharge petition, and it looked like it was going to get discharged. There were some comments made that we are going to have a vote on this in May, and now we hear reports that we are not going to vote in May. We are going to vote after May when we come back from the May recess.

It is very, very disturbing, and I would like some answers. I would like to hear from the Republican leadership what is going on and why these broken promises continue, Mr. Speaker.

Mr. Speaker, I yield to my friend, the gentleman from Kentucky (Mr. BAESLER) and my other friend from Texas on this issue because it is something we need an answer on.

Mr. BAESLER. Mr. Speaker, as we all know, the leadership, the Speaker, made a commitment that we are going to vote on this issue in May. We are hearing rumors now that we are not going to vote in May and maybe vote after Memorial Day.

We also are hearing rumors that maybe Shays-Meehan may not be proper. That was also a commitment made by the Speaker and the leadership to encourage those Republicans and others to withdraw the names from the discharge petition.

It is our position, those of us who originated the petition, those of us who signed, if we do not have an answer on this within the next day or two, we are

going to try and reinstate the petition because we feel like we are getting the runaround.

Somebody said a while ago in this chamber we are going to trust to verify. That is what we said. So far, we have trusted, but it had not been verified by the leadership.

Now to avoid the discussion today, I think this is the height of arrogance. That is what got us here in the first place is arrogance.

We would like to know what is going to be debated. We don't have but 2 or 3 more weeks in May. I think we all, not only the membership, but the public as a whole are entitled to know whether or not the commitment is going to be maintained by the Speaker or whether, once again, they are going to run from this issue which obviously they are afraid of.

□ 1530

Mr. DOGGETT. Mr. Speaker will the gentleman yield?

Mr. BONIOR. I yield to the gentleman from Texas.

Mr. DOGGETT. The gentleman may be aware that the Speaker has answered this question.

Back on April 22, Congress Daily reported that Speaker GINGRICH himself told Congress Daily that we would have a fair and open debate on campaign finance not just during May, not just before the Memorial Day recess, but by May 15. By my calendar, that is next Friday.

We have the tentative schedule that the Republican leadership has put out for next week and there is not any reference to campaign finance reform on it and, apparently, they are afraid to come out here and tell the American people that.

I wonder if the gentleman has been advised anything to the contrary? I thought they had broken all the promises there were to break on campaign finance reform, but they have found yet another promise to break with the Speaker having promised and said in print that it will be done by May 15, next Friday. They have misrepresented to the American people. They do not have any intention to do it and do not have the courage to come out here and tell the American people that.

Mr. BONIOR. I am hopeful we can get an answer from the Speaker, from the gentleman from Texas (Mr. ARMEY) or the gentleman from Texas (Mr. DELAY) or someone on the other side of the aisle as to what the disposition will be on this important issue. I am waiting, and when they come I will be delighted to hear their answers.

But the gentleman is absolutely right; this was the promise made, and we will wait to see if it is going to be broken or not. I am still hopeful that they will bring it up before we leave.

Mr. STENHOLM. Mr. Speaker, will the gentleman yield?

Mr. BONIOR. I yield to the gentleman from Texas.

Mr. STENHOLM. I thank the gentleman for yielding to me. My col-

league from Texas adequately pointed out that the tentative schedule for next week does not include the mention of campaign finance reform, and that is what brought me to the floor of the House to inquire.

Timing could not possibly be a problem, because here it is 3:30 on Thursday afternoon. We have adjourned for the week. There will be no votes tomorrow, on Friday, no votes on Monday, and no votes on the next Friday. There was a promise made. And back where I come from, your word is your bond and a handshake is as good as a contract.

This is very disturbing, particularly since we were at the verge of having a discharge petition that would have discharged a very fair rule; that would have allowed all ideas. And I think it is incredibly important that when we do eventually get to campaign finance reform, and hopefully next week, that we will allow a clean up-and-down vote on the freshman bill and a clean up-and-down-vote on the Shays-Meehan bill, and then allow any Members of this body that have any constructive ideas of what should be included in campaign finance reform to be included.

That is what we worked awfully hard to do, and there was bipartisan support for that. There were promises made if they would just remove their names from the discharge petition, that we would get just exactly what we were asking for. And now these rumors that are circulating are very, very disturbing to many of us who, again, believe that our word is our bond.

Mr. KIND. Mr. Speaker, will the gentleman yield?

Mr. BONIOR. I yield to the gentleman from Wisconsin.

Mr. KIND. Mr. Speaker, I thank the minority whip for yielding to me. I, too, have a question with regard to the schedule as relates to campaign finance reform. I am one of the freshman Members that participated in the bipartisan task force for the better part of a year and a half now, and it is going to be our base bill that is brought up eventually. But we are hearing these rumors as well that the guarantee, the promise that was made just a couple of short weeks ago, may be backed off from recently.

We have the gentleman from Maine (Mr. ALLEN), who is one of the co-chairs of the bipartisan task force in attendance as well, and we were just wondering, because promises have been made in the past, agreements have been reached in regards to having a fair, open, and honest debate on campaign finance reform on this floor, handshakes have been given, and we are wondering whether or not this agreement that was reached just a couple of weeks ago is just another empty handshake in regards to one of the more important issues that we should be dealing with and debating honestly and fairly on the floor of the House of Representatives.

I am wondering if my friend from across the aisle has some information

that can clarify some of the concerns that we have right now based on the rumors that we are hearing that this finance reform bill may not come up this month and might possibly come up during the month of June.

We would like to have some information so that we have a way of preparing for this very important debate, a debate that I think that the people across this country desperately want this institution to have.

Mr. FOLEY. Mr. Speaker, will the gentleman yield?

Mr. BONIOR. I yield to the gentleman from Florida.

Mr. FOLEY. Mr. Speaker, I can assure the gentleman there will be a fair and open debate on the question. There are negotiations ongoing. I think if the gentleman will give us some time, we will release the details of the scheduling for that particular matter.

Mr. BONIOR. Mr. Speaker, may I ask of my friend who the negotiations are with?

Mr. FOLEY. If the gentleman will continue to yield, the Members that have the amendments to, apparently, the reference of the freshman bill.

Mr. BONIOR. I am not familiar that our colleagues have been involved in these negotiations, nor am I familiar that the gentleman from Massachusetts (Mr. MEEHAN) has been involved in these negotiations, nor am I familiar with the fact that the gentleman from California (Mr. FARR), or others who have legitimate concerns on this bill, have been involved. We are not involved in this. That is my problem.

Mr. KIND. Mr. Speaker, will the gentleman yield?

Mr. BONIOR. I yield to the gentleman from Wisconsin.

Mr. KIND. Speaking again as a member of the freshman task force that has been working on this issue, I can certainly state for the record that we have not been party to any negotiations as far as a schedule, as far as the form in which the legislation will be brought up.

It is my understanding that the gentleman from Maine (Mr. ALLEN), who is one of the co-chairs of our task force, has not been privy to any discussions with the majority leadership on this important issue as well. So if negotiations are ongoing, we would certainly request to be included, since it is our bill that will be the base bill when this eventually does get taken up.

Mr. BONIOR. We understand that we are in the minority and that the other side will make the call on this. They have the votes to do it. But I think just common courtesy dictates that those who have been deeply involved in this issue for a number of years, and who care very deeply about this, be a part of how we are going to manage this very complex difficult and very long debate, I hope, on this issue.

We are just kind of left in the dark. We do not know what is happening. And I hope the other side can understand our concern, because we have had

promises broken on this, we believe promises broken on three separate occasions. And now, as the gentleman from Texas (Mr. DOGGETT) pointed out, May 15 was going to be the date. We get a tentative schedule; nothing on here reflecting a decision to go forward and discuss this bill next week.

And then, of course, rumors are floating around the Capitol this will not be voted on until June. First June, then July, and pretty soon we are into an election season and the American people do not have a visual or a record of how this Congress feels about changing a system that I think everybody on both sides of the aisle will agree is a system that is not good, it is not healthy for the country, it is a system that demeans our process, uses much of our time, and really takes cynicism to a low level in our country in terms of people's participation.

So all we want is to be part of the discussion. And that is why I am concerned and disturbed this afternoon, at a reasonable hour, 3:30, that we cannot get a member of the leadership of the other side to come out and give us an answer as to where we are with this, when we will have a decision, when we will do it, and under what form we will do it.

Under what form is very critical in terms of giving people the chance to express themselves. As the gentleman from Texas (Mr. STENHOLM) pointed out, I think accurately and fairly, what he and the gentleman from Kentucky (Mr. BAESLER) and others did with the discharge petition was to lay out a very open and fair rule in which everyone had a chance to put his or her amendments forward and to have a full debate on this issue.

But now we are hearing, well, we are not going to have that chance; that it is going to be narrowed and the Committee on Rules will craft it in such a way that we may not even get a clean shot on the Meehan-Shays bill; or that the freshman bill may not actually have a chance to play itself out; or the ideas of the gentleman from California (Mr. FARR) or fellow individuals on the other side who have ideas will not be able to express their views; or there may be a poison pill with respect to labor and gag rule issues, that we have dispensed with, by the way, on another occasion here, injected into this debate, which will screw up the works and we will not be able to move forward on this important issue.

Those are our concerns. I think they are legitimate. I do not think we are being petty or unfair in raising them this afternoon, and we would hope that we could get them addressed before the weekend.

Mr. KIND. If the gentleman will continue to yield, I think the form and the timing of this important piece of legislation is very important.

The feedback I am getting back home in western Wisconsin, in my district, are the people are engaged in this issue. They want us to take action on

it. I think the indication of that occurred during the Easter recess, when all the Members went back to their home districts and got feedback from their constituents. And that is why there was a rush to sign the discharge petition in order to get a fair and honest debate on bipartisan campaign finance reform to the House floor.

It is very evident that the American people want us to take action on it. They want to be engaged in this, and I think they deserve some answers as far as the timing and the form of this legislation as well. So if they want to weigh in on the issue, if they want to personally contact their representatives and let them know how they feel on the issue of getting the big money and the influence of money out of our political system, they will have that opportunity.

Thus far, we are hearing nothing from the majority leadership who is in control of the schedule here. They are not communicating with the freshman group that has worked long and hard on this important piece of legislation. And I just hope that we will get included in this as soon as possible so that we have some clarification on where we are going with this legislation.

Mr. DOGGETT. Mr. Speaker, will the gentleman yield?

Mr. BONIOR. I yield to the gentleman from Texas.

Mr. DOGGETT. I would express the same concern as our colleague from Wisconsin. First, that the American people have a legitimate concern about the need to reform our whole tax collection system. I have been hearing a lot about that. But in order for that to be a fair process, we have to take the money out of the system that is corrupting the system that really stands in the way of our getting real legitimate tax reform.

I want to bring to the gentleman's attention the fact that another member of the Republican leadership who was not willing to come out this afternoon has also spoken on this issue. "House majority leader ARMEY indicated Tuesday that campaign finance reform legislation could be on the House floor before the end of this session." This is a Congress Daily article dated September 17, 1997.

The credibility of the suggestion that there are private negotiations or that this is about to come up is tested by the fact that we have had these promises now ever since, I guess, the first day of the Republican revolution on January of 1995, that this issue would come up. And each of these promises each time either gets broken or changed.

Is the whip advised as to whether, in anticipation, this last promise of action by May 15 was relied upon by public interest groups not affiliated with either the Democratic or the Republican Party, and whether or not Common Cause and literally dozens of religious and public interest groups came

together in anticipation of our voting next week, by May 15, to present some type of bipartisan proposal for us to consider that would not advantage either party but might advantage the American people?

Mr. BONIOR. Well, that was our hope, that we would be able to move in that direction, and I think that was the hope of those organizations.

I think if anything is clear in this debate with respect to where those organizations are coming from, so to speak, it is that they are coming from a very nonpartisan approach to this. And they deserve, I think, the fairness of knowing just exactly what the next step is in this drama that we are playing out here on this very critical issue.

And by not having an answer today, I think we do a disservice not only to ourselves and the American people but to the people who care the most about this issue and who have really staked out a good part of their social activism on reforming this very sad system that we have in our society.

So the gentleman is absolutely right. If they know, they certainly have not told me. I think the only folks that know are the leadership on the other side, and they have refused to share these discussions with us, and it is disturbing.

Let me yield one other time, the Chair has been generous with time, and then I will end this discussion.

Mr. ALLEN. Mr. Speaker, will the gentleman yield?

Mr. BONIOR. I yield to the gentleman from Maine.

Mr. ALLEN. Mr. Speaker, I will be very brief. As one of the cochairs of the bipartisan freshman effort, the freshmen on both sides of the aisle have been working on this for a very long period of time, and the Democrats, in particular, have over 30 freshmen on this bill.

What we are concerned about is the commitment made in the press release issued by the leadership on April 22, 1998, which said, "Campaign finance reform will be brought to the floor in May and fully debated under an open rule." One of our concerns about any delay, any slippage in that schedule, is that delay here means there is less time for the Senate to take up whatever we do if we are successful in passing reform here.

That is why this is not just an academic issue. It is not just an issue that matters here in the House, but matters to the success or failure of campaign reform this year. I thank the gentleman for yielding.

Mr. BONIOR. I thank my colleagues for their comments and I hope they will be noted by the majority.

Mr. ARMEY. Mr. Speaker, I am pleased to announce we have concluded legislative business for the week.

The House will next meet on Monday, May 11, at 2:00 p.m. for a pro forma session. There will be no legislative business and no votes that day.

On Tuesday, May 12, the House will meet at 12:30 p.m. for morning hour and at 2:00 p.m. for legislative business.

On Tuesday, we will consider a number of bills under suspension of the rules, a list of which will be distributed to Members' offices. Members should note that we do not expect any recorded votes before 5:00 p.m. on Tuesday, May 12.

On Wednesday, May 13, and Thursday, May 14, the House will meet at 10:00 a.m. to consider the following legislation:

H.R. 3494—The Child Protection and Sexual Predator Punishment Act of 1998;

H.R. 3534—The Mandates Information Act of 1998;

H.R. 10—The Financial Services Competition Act of 1997; and

H.R. 2431—The Freedom from Religious Persecution Act of 1998; and

H.R. 512—The New Wildlife Refuge Reauthorization Act.

Mr. Speaker, we hope to conclude legislative business for the week on Thursday, May 14. The House will not be in session on Friday, May 15.

I would like to take this opportunity to note that we will have a lot of important legislation on our plate next week. It may be necessary to work late on Wednesday evening in order to ensure a reasonable getaway time on Thursday.

□ 1545

SPECIAL ORDERS

The SPEAKER pro tempore (Mr. NEY). Under the Speaker's announced policy of January 7, 1997, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Oklahoma (Mr. COBURN) is recognized for 5 minutes.

(Mr. COBURN addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan (Mr. BONIOR) is recognized for 5 minutes.

(Mr. BONIOR addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. FOX) is recognized for 5 minutes.

(Mr. FOX addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. BENTSEN) is recognized for 5 minutes.

(Mr. BENTSEN addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

TRIBUTE TO CHARLES PETER THOBÆ

The SPEAKER pro tempore. Under a previous order of the House, the gen-

tleman from Texas (Mr. BRADY) is recognized for 5 minutes.

Mr. BRADY. Today, Mr. Speaker, America lays to rest an excellent journalist and a better father. It was with great sadness that the friends of Charles Peter Thobæ learned that he had passed away Monday, May 4, in Houston, Texas.

A journalism graduate of Boston University, Charles was a reporter with the Houston Chronicle for 11 years and an editor of the Texas Churchman for 25. Believing in faith and his community, he served on various charitable boards and was a very active member of Palmer Memorial Episcopal Church.

During his 40 years in public relations, he did free-lance writing, including traveling, writing, and op-ed pieces for both the Houston Post and the Chronicle. Recently, Charles Thobæ also reviewed books for the Chronicle, specializing in contemporary history, military affairs, and sometimes thrillers.

David Langworthy, who is the Chronicle's Outlook editor, remarked, "He had an eye for the human and the personal. He was able to put those personalities into prose that brought our readers insights that were valuable."

His family is a special one. He was born December 9, 1930, in New Rochelle, New York, to Kathryn and Albert Thobæ. He is survived by his beloved wife, Miriam Banks Thobæ; his beloved daughters, Frances Kathryn, Sarah Banks, and Carol Ellen Thobæ. He is also survived by his mother, Kathryn Thobæ of Dennis, Massachusetts.

His daughter, I have had the pleasure of working with her in my congressional office. She recently said of her father, "He remained dedicated to people, the literary world, and religion his whole life. Everybody who knew him loved him, and he made a profound impact on everyone's life."

We celebrate his life and mourn his passing today.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Carolina (Mrs. CLAYTON) is recognized for 5 minutes.

(Mrs. CLAYTON addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

NATIONAL DAY OF PRAYER

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Tennessee (Mr. DUNCAN) is recognized for 5 minutes.

Mr. DUNCAN. Mr. Speaker, today is the National Day of Prayer. This Nation and each of us individually would be far better off if we all spent more time in prayer. There are very few people in this country who would disagree with that.

Certainly our Founding Fathers believed in prayer. Most of them came here in large part to get freedom of re-

ligion, not freedom from religion. Yet, beyond a belief in prayer, many other issues of faith are very contentious. But there is more common ground than the vocal minority sometimes would have us believe.

Three or four years ago, William Raspberry, the great Washington Post columnist, wrote a really outstanding column on some of these issues. He asked a very important question. Mr. Speaker, when he wrote, "Is it not just possible that antireligious bias, masquerading as religious neutrality, is costing this Nation far more than we have been willing to acknowledge?" Let me repeat that quote from William Raspberry, "Is it not just possible that antireligious bias, masquerading as religious neutrality, is costing this Nation far more than we have been willing to acknowledge?"

In this same column, Mr. Raspberry then told of a Jewish talk show host who had said that for those who thought there was no place for God in the public life of this Nation, he wished they would ask themselves this question: If they were walking late one night in the roughest section of one of our Nation's largest cities and they heard footsteps approaching rapidly from behind and they turned and saw four strapping, well-built young men, would they not be relieved to know that these young men were just returning from a Bible study?

We open up every session of the House and Senate with prayer; and we have rabbis, priests, ministers from all faiths and there has never been a problem about it. Yet, for some reason, we do not allow our schoolchildren the same privilege. And the problems of the schools have grown much worse over the last 25 or 30 years.

A really fine column on religious tolerance, Mr. Speaker, was written a few weeks ago by nationally syndicated columnist Charley Reese. I would like to read this column into the RECORD at this point.

This is what Mr. Reese wrote:

Want to know the definition of a stone-cold bigot? It is anybody who is offended by the sight and sound of someone practicing, expressing, or proclaiming his religious faith. Such people are not only bigots, they are the south end of a horse traveling north. Their intolerance is exceeded only by their ignorance of the Constitution.

The first amendment forbids the establishment of an official church or religion. Period. Nothing else. To establish an official church or religion would require legislation so designating it, and taxes and appropriations to subsidize it. That's all THOMAS Jefferson meant when he said there was a wall of separation between church and state.

Mr. Reese continued:

But when a private individual or a public official prays in a school or any other public place, he is not establishing an official church. For someone to say that the mere sight of a Christian proclaiming his faith in a public place is offensive is to indict himself as a vicious bigot and an inconsiderate, self-centered boor. These boors apparently have no conception of civility and respect for others. They act as if religious faith were an infectious disease.

One of the most touching sights I saw

Mr. Reese continued,

... in the Middle East was a poor man, a Muslim, in shabby clothes, kneeling on a newspaper, the only prayer rug he could afford, on the tarmac of the airport in Amman, Jordan, and saying his evening prayers. His example of simple faith in his God touched my heart.

Truthfully, I cannot conceive how any decent human being could say that such a sight is offensive. People who find other people's religion offensive are demonstrating their hatred, not their interest in liberty.

The only way a free society can work is for everyone to respect everyone else. There is no respect when someone says, 'Your religion is offensive to me, so keep it out of my sight.' That is hate speech. Nor is it being disrespectful to practice your own religion or to pray as your particular religion teaches you to pray.

Mr. Reese said,

I don't know about you, but I've had a bel-lyful of rude, self-centered people. It's time to teach some people in this country some simple manners.

Good manners are based on reciprocity. Respect for respect. Tolerance for tolerance. There are some people who use Orwellian doublespeak and practice bigotry while proclaiming their support for tolerance. We should expose such people for what they are, bigots.

If you are a nonbeliever and are present when believers are praying, don't pray. But out of respect and courtesy for them as human beings, do not be rude or make ugly remarks about them. Respect people as people, even if they practice a different religion. And respect their religion.

Mr. Reese concluded this column by saying,

I am fed up with seeing religious people browbeaten and insulted by bullies packing lawyers. We have too many mean-spirited tails trying to wag our dog in this country. It may be time to bob some tails.

Mr. Speaker, I think this is a great column by Charley Reese, and I include the column for the RECORD:

RESPECT PEOPLE REGARDLESS OF RELIGION
(By Charlie Reese)

MARCH 30.—Want to know the definition of a stone-cold bigot?

It's anybody who is "offended" by the sight and sound of someone practicing, expressing or proclaiming his religious faith.

Such people are not only bigots, they are the south end of a horse traveling north. Their intolerance is exceeded only by their ignorance of the Constitution.

The first amendment forbids the establishment of an official church or religion. Period. Nothing else. To establish an official church or religion would require legislation so designating it, and taxes and appropriations to subsidize it. That's all Thomas Jefferson meant when he said there was a wall of separation between church and state.

You would have to be an idiot to conclude otherwise because the same people who wrote and passed the First Amendment also provided for tax-paid chaplains to pray in Congress. The problem the founders of the country dealt with is nonexistent today in America. It was the common practice of governments in their day to adopt a church and tax everyone to subsidize it. The practice had been brought from Europe to the colonies.

But when a private individual or a public official prays in a school or any other public place, he is not establishing an official church. For someone to say that the mere

sight of a Christian proclaiming his faith in a public place is "offensive" is to indict himself as a vicious bigot and an inconsiderate, self-centered boor. These boors apparently have no conception of civility and respect for others. They act as if religious faith were an infectious disease.

One of the most touching sights I saw in the Middle East was a poor man, a Muslim, in shabby clothes, kneeling on a newspaper (the only prayer rug he could afford) of the tarmac of the airport in Amman, Jordan, and saying his evening prayers. His example of simple faith in his God touched my heart.

He was as oblivious to the crowd of people and soldiers as he was to the cold wind and hard tarmac. He had a beautiful expression on his grizzled face. Clearly, there was man communing with a God he loved, and God must surely love such a man.

Truthfully, I cannot conceive how any decent human being could say that such a sight is "offensive." People who find other people's religion offensive are demonstrating their hatred, not their interest in liberty.

The only way a free society can work is for everyone to respect everyone else. There is no respect when someone says, "Your religion is offensive to me, so keep it out of my sight." That is hate speech. Nor is it being disrespectful to practice your own religion or to pray as your particular religion teaches you to pray.

I don't know about you, but I've had a bel-lyful of rude, self-centered people. It's time to teach some people in this country some simple manners.

Good manners are based on reciprocity. Respect for respect. Tolerance for tolerance. There are some people who use Orwellian doublespeak and practice bigotry while proclaiming their support for tolerance. We should expose such people for what they are—bigots.

If you are a nonbeliever and are present when believers are praying, don't pray. But out of respect and courtesy for them as human beings, don't be rude or make ugly remarks about them. Respect people, as people, even if they practice a different religion. And respect their religion.

I'm fed up with seeing religious people browbeaten and insulted by bullies packing lawyers. We have too many mean-spirited tails trying to wag our dog in this country. It may be time to bob some tails.

PERSONAL EXPLANATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana (Ms. CARSON) is recognized for 5 minutes.

Ms. CARSON. Mr. Speaker, due to official business in my district, I was unavoidably absent on Tuesday, May 5, and Wednesday, May 6, and, as a result, missed rollcall votes 125–135.

Had I been present, I would have voted no on rollcall 122, yes on rollcall 123, yes on rollcall 124, yes on rollcall 125, yes on rollcall 126, no on rollcall 127, no on rollcall 128, yes on rollcall 129, yes on rollcall 130, yes on rollcall 131, yes on rollcall 132, no on rollcall 133, no on rollcall 134, and finally, yes on rollcall 135.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Minnesota (Mr. GUTKNECHT) is recognized for 5 minutes.

(Mr. GUTKNECHT addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

CAMPAIGN FINANCE REFORM

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. STENHOLM) is recognized for 5 minutes.

Mr. STENHOLM. Mr. Speaker, I take this 5 minutes to further clarify some of the discussions that we had a moment ago concerning the question of campaign finance reform.

I want to make it very clear for those who are negotiating on what the rule shall look like and how we shall proceed what the Blue Dog Coalition suggested in the discharge petition that was filed, that was getting very close to having the required number of votes in which we could have had a free and open debate and which we have now been promised that we will have a clean and open debate.

There are some general principles allowing clean up-or-down votes on all major campaign finance plans. The freshman bill, the Shays-Meehan bill, and the Doolittle bill, and any alternatives the leadership might come up with on either side of the aisle and wishes to offer as substitutes at the beginning of the amendment process, this is key to the discharge petition that we filed. It is exactly the same discharge petition that was used to successfully bring the balanced budget amendment up in 1992. It is a very fair process if it is allowed to proceed in this manner.

All major proposals deserve a vote. The freshmen, bipartisanship, have worked awfully hard; and they worked in an environment in which they believed that there was not going to be campaign finance reform unless there was a compromise reached, and they reached that compromise internally. They worked awfully hard. They deserve to have a chance to have their idea voted upon as they wish it to be voted upon, not as the leadership or any other individual wishes. The same is true with the Shays-Meehan; it deserves to be voted upon on its merits.

And then we use what is called the queen-of-the-Hill rule. Let the freshman bill be voted upon. If it gets the majority vote, it becomes the base bill. Then let us vote on Shays-Meehan. If it gets a majority vote and more votes than the freshman bill, it becomes the base bill; whichever one gets the most votes, as ascertained by a majority on both sides, becomes the base bill. And then allow the perfecting amendments to be offered. Let any one of the 435 of us who have an idea that they believe is important to the campaign issues before us be offered.

I have one interest, one major interest, that I want to see addressed. It is the soft money question. A lot of people do not know what we are talking about by "soft money." But to me it means unlimited amounts of money given by individuals or corporations for which there is no real reporting therein.

I am a great believer in the first amendment, and I have been chagrined to be attacked by many of my so-called

friends, people whom I agree with in the special interest, the issue advocacy organizations that believe that somehow, some way, that by having public disclosure of who is in fact contributing to the ads that they are responsible for offering, that somehow that is against their constitutional right. I fail to understand that.

Anybody that wants to run ads against me, as they will between now and November, that is a first amendment right. I just believe very strongly that the people of the 17th District deserve the right to know who is paying for those ads, called public disclosure. This is a debate that I hope we will spend some considerable time on, because I think there is a little misunderstanding about this.

No one is talking about doing away with individual rights to express themselves under the first amendment of the Constitution, but we are talking about something which we are seeing live and in living color played out on both sides of the aisle, tremendous expenditures of dollars in which accusations are occurring on both sides.

□ 1600

In conclusion, Mr. Speaker, let me just say again to those who are negotiating the rule in which we are going to consider this, it is extremely important, and we ask of you in a very respectful way, to go back and look at the discharge petition and to make sure when that rule comes to the floor of the House you are truly going to allow the will of the House to be followed in allowing the Members to express themselves in a free and unhindered manner.

AMENDMENT TO ADDRESS CAMPUS CRIME

The SPEAKER pro tempore (Mr. NEY). Under a previous order of the House, the gentleman from Florida (Mr. FOLEY) is recognized for 5 minutes.

Mr. FOLEY. Mr. Speaker, I am delighted to rise first to take a moment to thank the gentleman from Tennessee (Mr. DUNCAN), Shawn Gallagher, my legislative assistant, and I in working on our amendment yesterday that we offered to H.R. 6 thanked a number of people that were extremely helpful and valuable in this process. We neglected to mention the gentleman from Tennessee (Mr. DUNCAN). I wanted to take a moment to thank him for his work on the Accuracy in Crime Reporting Act and particularly an amendment that I offered and we successfully passed that dealt with the releasing or potential releasing of names of those who commit violent offenses on campuses.

At times in this process, we in politics all think we have created and have this original, unique idea that is so vitally important to the Nation's interest that we forget to share some of the credit. I wanted to do that in a public

way, because this is a collaborative process. We are all in this business of helping and serving the public together. You hate to let time go by and not pay a special moment of thanks to those that have helped you achieve a significant victory.

I would like to talk just a moment about the amendment because it is very, very important. It has to deal with the Family Educational Rights and Privacy Act that was passed in 1974 that basically has allowed universities, Federal universities, to withhold the release of names of students found by disciplinary proceedings to have committed crimes of violence. I believe there should be a balance between one student's right of privacy to another student's right to know about a serious crime in his or her college community. The Foley amendment to the Higher Education Amendments Act of 1998 provides a well-balanced solution to the problem. It would remove the Federal protection that disciplinary records enjoy and make reporting subject to the State laws that apply. Campus law enforcement records, Mr. Speaker, are not included as part of a student's educational record and therefore are open to public scrutiny. But many colleges and universities have learned to circumvent crime reporting requirements by channeling felonies and misdemeanors into their confidential disciplinary committees which continue to be protected by FERPA.

According to a number of college newspapers, like the Daily Tar Heel in Chapel Hill, North Carolina, colleges have been expanding the jurisdiction of these secret courts to shield violent crime. While the amendment that I offered would not require campus disciplinary hearings to be open to the public, it would remove FERPA protection of disciplinary records which contain information that personally identifies a student or students who have committed or admitted to or been found to have committed any violent act which is a crime or a violation of institutional policy.

Why is this important? Because I think parents and community leaders and others deserve to know the statistical problems that are being experienced on our Nation's campuses. Whether it is date rape, whether it is sexual assault or physical violence, these types of incidents should not be held under seal. They should be open to the public so that parents can make decisions appropriate for their children. As they head off to college, which is supposed to be a learning environment, they should not be feeling threatened, they should not have to be scared being on campuses, and many newspapers around the country have in fact editorialized in support of our amendment.

It did pass yesterday. We hope the Senate will consider the amendment. We hope it will be included in the conference report, because I think it is vitally important in this day and age that we have all the facts about stu-

dent behavior on campus, that we do our best to try and minimize and change the dangers that are involved in campuses and that by illuminating some of the statistics and problems we may, in fact, be able to change behavior on campuses. As I say, colleges by and far the most part have complied and been very cooperative in these efforts, but there are some that have chosen to seal the records in order not to have a black eye in the community, not to have enrollment drop off or not lose alumni support.

But again in this era of openness and accountability, I think it is important that we make certain that all families and other members of society have access to this information and then to make appropriate judgments accordingly.

Again I would like to thank my staffer Shawn Gallagher and I would like to thank the committee and the gentleman from Pennsylvania (Mr. GOODLING), and, of course, as I mentioned, the gentleman from Tennessee (Mr. DUNCAN) for their leadership on this issue.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. DOGGETT) is recognized for 5 minutes.

(Mr. DOGGETT addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan (Mr. CONYERS) is recognized for 5 minutes.

(Mr. CONYERS addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

ILLEGAL DRUGS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida (Mr. MICA) is recognized for 5 minutes.

Mr. MICA. Mr. Speaker, I come once again before the House this afternoon to talk about the issue of illegal drugs and narcotics, its impact on our Nation and on our community and on our children. I have probably spoken more than any other Member in the last 5 years on this issue and I intend to speak every opportunity I can get about what drugs are doing to the lives of our young people.

I always like to review what took place when I came into Congress and the other party controlled the House, other body and the White House. In fact, their first steps under the Clinton administration were to cut the positions in the drug czar's office from almost 150 down to about 25. The next thing that the new President did, and I was a freshman and protested it here on the floor, was to cut the interdiction, to end the military involvement in the war on drugs, to stop and really cut the drug interdiction and eradication programs, to cut the Coast

Guard, to dismantle all kinds of enforcement programs, and then the ultimate insult to the American people was to appoint a Surgeon General, Joycelyn Elders, who adopted the policy that I entitled "just say maybe to our young people," not to mention that the leader of the free world, the highest office in our land, said to our children, "If I had it all to do over again, I would inhale."

That set a tremendous pattern. It changed the whole dynamics where drug use and abuse by our children had gone down, down, down from 1981 under Reagan and Bush, it began a steady climb. We have seen the dramatic results.

Let me tell you what the results are. 1.5 million Americans were arrested in 1996 for violating drug laws. We have over 2 million Americans behind bars and our law enforcement officials tell us more than 70 percent of those individuals are there because of a drug-related or drug involvement offense. Since 1992, overall drug use among 12 to 17-year-olds has jumped 78 percent. A study by the Partnership for a Drug-Free America shows the number of fourth to sixth graders experimenting with marijuana increased a staggering 71 percent between 1992 and 1997. What is the cost to this Congress? The cost to this Congress and the Federal Government is \$16 billion out of your taxpayer money. The total cost to the American economy is approaching \$67 billion a year in lost jobs and opportunities and again cost to our economy.

During this President's tenure in office, if we continue at the pace we have been at, 114,000 will die under President Clinton's tenure from drug-related problems. We are now killing our Americans at the rate of 20,000 a year. That is the toll. The story goes on and on.

But I must say that the Republican Congress has tried to turn that around in the last 36 months. We in fact have restored money to bring our military back into the war on drugs. We have restored money and funding for interdiction programs because we know it is most cost effective to stop drugs at their source and when they get to our streets and schools and our communities it is very difficult. And then we passed tough enforcement, and we know tough enforcement works. Look at New York City, look at what Rudy Giuliani has done with tough enforcement. Tough enforcement works. New York City has seen a 30 percent decrease in crime.

This week the Republicans, and we have tried in a bipartisan effort to bring our colleagues from the other side of the aisle in, have announced programs and extensive legislation which we will be introducing every week for the next 6 weeks to combat illegal drugs, to provide funding and programs that work and assistance to our local communities and our schools for education, for enforcement, for interdiction and also for treatment pro-

grams that work. This is one of the most critical issues, social issues, before this Congress and before the American people. I am committed to this and I think that if we have the cooperation of the administration now, the cooperation of my colleagues on the other side of the aisle, that we can come together, that we can make a difference, that we can reduce the drugs coming into this country, into our streets and into our schools. I reach out and ask all of my colleagues to join us in that effort.

WHITE HOUSE SILENCE: AMERICAN PEOPLE WANT TRUTH

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 1997, the gentleman from Texas (Mr. DELAY) is recognized for 20 minutes as the designee of the majority leader.

Mr. DELAY. Mr. Speaker, I find it unfortunate that I have to come down to the floor again to try to put things in perspective about what is going on around the White House and now is infecting the House of Representatives and its committees. There is a lot of spin out there. The spinmeisters of the President are trying to keep the American people from the right to know the truth. We keep asking the question, is the President of the United States above the law? Yet the spinmeisters are pushing hard and pushing often with a concerted strategy. We all know what the strategy is. The strategy, Mr. Speaker, is basically to stonewall, drag your feet, hide documents, claim executive privilege, hide behind your lawyers. But the bottom line is that it is the spin, the whole spin and nothing but the spin to block the American people's right to know the truth.

I took the well of the House not too long ago and asked for the President to tell the American people the truth. I guess he did not hear my speech and he did not want to do it. But it now has boiled over into the House of Representatives. I will talk about that in a minute, and the Committee on Government Reform and Oversight.

Mr. Speaker, I just ask the question, why are the Democrats trying to change the subject when it comes to the problems in the White House? Why are the House Democrats trying to cover up for the administration? Why do they not want a real investigation of the facts surrounding illegal foreign money in the Clinton campaign and possible charges of obstruction of justice in the Clinton administration?

Mr. Speaker, earlier this week, Judge Norma Holloway Johnson threw out President Clinton's claim of executive privilege regarding the latest scandal in the White House. No wonder. The President had been taking indecent liberties with the concept of the executive privilege. He has hidden behind executive privilege in order to keep the American people from knowing the truth. According to press accounts, the

White House may even appeal this decision, which fits into their strategy of use the courts and the system to stall, delay and stonewall. There is only one reason that the President would want to appeal this decision and that is to keep the American people from learning the truth. Why else would you claim executive privilege if you did not want the American people to know the truth? The whole idea of executive privilege is you do not want to tell the truth.

So, Mr. Speaker, I just said no man is above the law. Judge Johnson's decision reaffirms that basic American principle. No matter what the strategy that the White House decides to employ, the American people have a right to know the truth. An appeal by the President on this case would amount to one more effort to stonewall the Starr investigation and to keep the truth away from the American people. What is that truth? Nobody knows for certain. But bits and pieces of the truth continue to leak out. The Committee on Government Reform and Oversight recently released transcripts of conversations between Webster Hubbell and his wife that were recorded when Mr. Hubbell was in prison for a lying and fraud conviction, that he finally, after many months of claiming that he was innocent, finally admitted and pleaded guilty. He was in prison. Make no mistake about it, Mr. Hubbell knew that his conversations were being recorded. That is common practice in prison. There is a very large sign that is posted from the jail cell where he made the phone call that says that your phone conversations are being recorded. But even though he knew his conversations were being recorded and said so on the tapes, he made some statements that lead to some very serious questions.

□ 1615

Now the Washington Post, certainly not a fan of House Republicans, had this to say about those conversations, and I quote:

That said, however, the accurate transcripts are also damning and very nearly so. They make clear that Mr. Hubbell and his wife had a sense of themselves as being held on a kind of string by the White House to which they were beholden for badly needed income; that if Mr. Hubbell's silence was not being bought in the White House case, as the independent counsel's office suspects, at the very least he and his wife were sensitive to how their remarks and behavior were being received by the President and Mrs. Clinton, were anxious to please, and were carefully kept in that state of anxiety by the White House emissaries.

The Washington Post goes on to conclude that the tapes still raise real questions. The President's use of executive privilege, for instance, also raises serious questions that need to be answered by this administration:

Why did the President invoke this privilege when national security was not at issue?

Was it an abuse of power?

Does the President's use of the executive privilege now mean that the President of the United States believes that he is above the law?

Now the New York Times, Mr. Speaker, a surprising new member of the vast right-wing conspiracy, has this to say about the President's use of executive privilege, and I quote:

Properly construed, the doctrine of executive privilege exempts only a narrow band of presidential activities from the reach of legal inquiry. To invoke that privilege in a broad and self-serving way, as the Clinton White House has done to shield itself from Ken Starr's inquiry, is to abuse it.

But this White House is not easily embarrassed. It has tried to invoke the hallowed attorney-client privilege, even when the attorneys are servants of the public, not the President's private lawyers. And in the past few weeks it has trotted out a brand new privilege, the doctrine of protective function to insulate President Clinton's Secret Service detail from questions about the behavior patterns of Monica Lewinsky, the former White House intern. All this legal inventiveness carries the implicit assertion that Mr. Clinton is somehow uniquely above the law and thus raises the kind of constitutional questions that ought to be exposed to public debate.

That is the New York Times writing that.

But where is this public debate, Mr. Speaker? When will the President come clean on the issue of executive privilege?

In his press conference last week the President maintained his incredible public silence responding to question after question, and he responded to the question on this particular issue by saying, and I quote:

"I cannot comment on those matters because they are under seal," close quote.

The only seal they are under is the presidential seal. He has employed the executive privilege as a defensive tactic to keep the American people from knowing the truth. That is a very troubling precedent, a precedent that I think should trouble the Democrat Party. But an eerie silence has emanated from the Democrat minority. When it comes to the President's use of executive privilege, the Democrats hear no evil, see no evil, and speak no evil, Mr. Speaker.

Where is the outrage from the Democrats about this abuse of power? Do they honestly think that the President of the United States is right to cite executive privilege in these cases? If Ronald Reagan or George Bush had even dared to use executive privilege in this manner, I guarantee you that the Democrats would be out here on this floor every day demanding a full explanation, if not a resignation.

Mr. Speaker, no man is above the law. This is a proposition that we hold very sacred in our representative democracy. The President does not have the divine right of a king. He must follow the law even if it may sometimes be uncomfortable for him, and his use of executive privilege is an affront to that concept.

The American people also have the right to know the truth about the activities in the White House. The longer that the President's men stonewall this investigation and deploy the tactics such as executive privilege, the more damage that is done to our democracy. The longer that these allegations fester, the more damage is done to the office of the presidency.

If our friends on the other side of the aisle think that the President's use of executive privilege is proper, then I urge them to speak up.

Speak up, speak up.

Silence, silence.

Let us have a public debate on this very important issue. Let us hear from the President's allies about their reasons for supporting this very troubling precedent.

Mr. Speaker, next week I plan to introduce legislation that will put some limits on the President's ability to claim executive privilege. Now my legislation is pretty simple. It has a reporting requirement. Anytime the President decides to invoke executive privilege, he must make a formal report to Congress. Now this would mean that Congress, the press, and the general public would be aware of executive privilege claims instead of wondering like they do now.

My legislation also says that there is no Secret Service privilege for criminal proceedings involving the President's conduct. Because it deals with criminal proceedings and the President's conduct, it does not reflect on the security role of the Secret Service.

Now, Mr. Speaker, no matter how many times the President tries to invoke executive privilege, this Nation holds dear these two principles: No man is above the law, and the American people have the right to know the truth.

And let me just speak about the new strategy, actually it is not new, the strategy that is going on in the Committee on Government Reform and Oversight; the strategy of attack your accuser, change the subject, because if you do, it will become old news. That is what is going on here, and the American people know it, they understand it, they can see it. In order to keep us from getting to the truth, in order to keep us from getting the American people the truth because they have the right to know the truth, the Democrats and the administration are attacking the gentleman from Indiana (Mr. BURTON). And why should we be surprised? Because it is their typical defense tactic; attack your accuser.

We have seen this in the past. Who else have they attacked? Senator THOMPSON in the campaign finance investigation, Senator D'AMATO in the Whitewater investigation, the gentleman from Iowa (Mr. LEACH) in Whitewater, Representative CLINGER back during the Travelgate and FBI Filegate incidents, Ken Starr; they are attacking Ken Starr over Whitewater, FBI files, travel office and the

Lewinsky matter. They are attacking FBI Director Freeh when he recommended an independent counsel for the campaign finance matter, some investigations. And they do all this so that they can change the subject, because by attacking their accuser the Democrats can change that subject.

And what do they want to change the subject from? Put it back into perspective, Mr. Speaker. This is not a sex scandal. These are not scandals; these are crimes we are talking about investigating: Whitewater; the travel office affair; having over 900 FBI files on Republicans in the White House; the foreign campaign contributions to the DNC and others; Webster Hubbell who is also a convicted felon now indicted again; and it goes on and on. They are trying to make it old news, because once they have attacked the accuser and changed the subject, the original problem becomes old news and they do not need to address old news.

But let us get back to the matter at hand, the investigation going on in the Committee on Government Reform and Oversight. What is going on here is we are trying to get to the bottom of the truth of what appears to be campaign finance abuses, and we are trying to get to the truth. You know, Mr. Speaker, there are over 92 witnesses that have either claimed the fifth, left the country, or refused to cooperate with this committee. I think the American people need to know that. Mr. Speaker, 92 witnesses; not 1, not 2, not 3; 92 witnesses that have either taken the fifth amendment, fled the country, or refused to cooperate.

On April 23, the committee Democrats voted 19 to zero against immunizing four witnesses who had taken the fifth before the committee. Now these are witnesses that the Justice Department, the Clinton Justice Department, had okayed for immunity and it was all right to accept their testimony.

Irene Wu. Wu was Johnnie Chung's office manager and has firsthand knowledge of Chung's fund-raising activities and ties to foreign nationals. Wu has already received immunity from the Department of Justice. Nancy Lee. Lee also worked for Johnny Chung and allegedly solicited conduit contributions that were made to the DNC. Lee has also received immunity from the Department of Justice. Larry Wong. Wong was a close associate of Nora and Gene Lum and has knowledge of the Lums' illicit fund-raising activities. And Kent La. La is the President of a company that distributes Chinese cigarettes and is a close associate of Ted Siong, a major figure in the committee's investigation.

Now why? Why the Democrats' opposition to immunity? It is outrageous, Mr. Speaker. The President's own Department of Justice informed the committee that it does not oppose the granting of immunity to these witnesses. Some of the committee Democrats have admitted that they are opposed to immunity solely to punish the

gentleman from Indiana (Mr. BURTON). Granting immunity is often the only way that the congressional investigations can get to the truth.

And many times witnesses are granted immunity. They were granted immunity in Watergate, they were granted immunity by Republicans in Iran Contra, and even Senator THOMPSON's fund-raising investigation granted immunity to witnesses.

But by opposing immunity to these four witnesses, the committee Democrats have made it very clear that they would rather engage in political infighting than to get to the truth about foreign money in American elections.

So, in conclusion, Mr. Speaker, we know what this is all about. What this is all about is to cover up the truth, to keep the American people from knowing the truth, and if we can just keep putting it off after each election, sooner or later they think it will go away.

Well, sooner or later the American people are going to know the truth, whether they want them to have it or not. And sooner or later, either the media of this country or the Republicans of this House will get to the bottom of the truth, Mr. Speaker, because no man is above the law and the American people have the right to know the truth.

Mr. Speaker, I yield to the gentleman from Missouri (Mr. BLUNT).

THE MARRIAGE TAX PENALTY

Mr. BLUNT. Mr. Speaker, I am here today to talk about one of the great injustices in our tax system. We have in our tax system a penalty on the very institution that we should be doing everything we can to encourage, the institution of the family. No American that you ask about this thinks that we ought to have a marriage tax penalty, but that is exactly what we have in the system now.

If two people are married and they are both working, they almost inevitably pay more taxes than if they were both working and decided not to be married. And, in fact, I saw somebody in my district early this year who had gotten married in January because their accountant had advised them that if they got married in December it would cost them \$3,600. Twenty-one million American couples pay an average marriage tax penalty of \$1,400 a year just because they are married.

□ 1630

Nobody thinks that is right; we need to eliminate that from the penalty. Today I am going to be joined by two of my colleagues who have really been leaders in this fight, and they are the gentlemen from Indiana (Mr. MCINTOSH) and the gentleman from Illinois (Mr. WELLER), who have introduced a bill that I am cosponsoring along with them.

This bill eliminates the marriage penalty; it eliminates the marriage penalty by raising the brackets, by doubling the brackets, the individual brackets so that if the standard deduc-

tion is \$4,150 now for a single person, for two people who are married, the deduction now is only \$6,900.

MARRIAGE PENALTY ELIMINATION ACT

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 1997, the gentleman from Indiana (Mr. MCINTOSH) is recognized for 40 minutes.

Mr. MCINTOSH. Mr. Chairman, today the gentleman from Illinois (Mr. WELLER) and I would like to talk to our colleagues and those watching at home about this issue of the marriage penalty that the gentleman from Missouri (Mr. BLUNT) mentioned in his earlier discussion.

This first came to my attention in a very serious way when two of my constituents, Sharon Mallory and Dale Pierce, wrote me a letter last February that moved me to investigate what exactly was happening in our Tax Code. Sharon explained that they wanted to get married. They went to H&R Block and found out that although they both worked at about \$10-an-hour jobs at a factory, they would be penalized \$2,800 if they got married. She would have to give up her \$900 refund and pay those additional taxes, simply because they got married. She went on to write that they could not afford it, and it broke her heart that they could not get married.

This marriage penalty is one of the most immoral provisions in our Tax Code. It says to young people, older folks, anybody who is married in this country, you are eligible to pay more taxes simply because you are married. It is wrong; it is something that needs to be eliminated in the Tax Code.

I have teamed up with my very good colleague, the gentleman from Illinois (Mr. WELLER), and we have introduced a bill, the Marriage Penalty Elimination Act that is gaining more and more support every day in Congress, here in the House and in the Senate, because Members realize on the Democratic side and on the Republican side that this is the wrong way to treat families in our country.

We have all suddenly begun to realize in this country that families are indeed the centerpiece of our society. They are the ones that bring up our children. The family unit is the one that helps our communities to grow. Why should the government penalize people who are married, simply because they are married, in the Tax Code?

Mr. Speaker, let me now yield to my colleague to explain the legislation that we have cosponsored and describe the efforts that he and I have undertaken to address this problem, and take it to the American people so that they are aware of the problem in the Tax Code.

Mr. WELLER. Mr. Speaker, I want to thank the gentleman from Indiana; I want to thank him for the partnership we have had to eliminate what we all

consider to be not only the most unfair, but really immoral provision in our Tax Code, which is the marriage tax penalty.

I represent a pretty diverse district. I represent the south side of Chicago, the south suburbs in Cook and Will Counties, a lot of bedroom and farm communities, and I find that some pretty simple questions come forward which I really believe illustrate why elimination of the marriage penalty should be the number one priority of this Congress when it comes to the tax provisions in this year's budget agreement.

Some questions that I have been asked as a legislator, when I have had town meetings, or at the local VFW or the local union hall or the local plant, folks just say that Americans do not feel that it is fair that our Tax Code punishes marriage with a higher tax. Do Americans feel that it is fair that a working married couple with two incomes who are married happen to pay higher taxes just because they are married, in comparison to a couple that lives together outside of marriage in an identical income bracket?

I say to my colleagues, if we think about it, our Tax Code actually provides an incentive to get divorced, because for 21 million married, working couples, they pay on the average \$1,400 more just because they are married. In the district that I represent, the south side of Chicago, the south suburbs, \$1,400 is one year's tuition at Joliet Junior College; it is 3 months of day care at a local child care center in Joliet as well. That is real money for many people.

Let me give an example here. Of course we have all had so many constituents who have shared with us and written us some pretty heartfelt letters regarding the marriage tax penalty and how the marriage tax penalty hurts them. But let me give an example right here in the district that I represent, outside of Chicago; Joliet is the largest community that I represent.

Take an example of a machinist who works at Caterpillar. Caterpillar is a major manufacturer in the district that I represent; they make the real heavy earth-moving equipment, the bulldozers and earth-scrappers and other things, and folks work hard there. We have a case of a machinist who works at Caterpillar, and this machinist makes \$30,500 a year. If this machinist is single with this \$30,500 a year income, if we take into consideration the standard deduction and exemption, he falls in the 15 percent tax bracket, if he is single.

Now, say he meets a gal in Joliet and they decide to get married, and the gal he wants to marry is a school teacher, a tenured school teacher in the Joliet public schools. She makes an identical income of \$30,500. Well, under our current Tax Code, if they are married, they file jointly and when they do, their combined income is \$61,000. Even after you take into consideration the standard deductions and exemptions,

they actually are pushed into the 28 percent tax bracket. And by being pushed into the 28 percent tax bracket, just because they are married under our Tax Code, that produces an almost \$1,400 marriage tax penalty.

Now, is it right that when this machinist who works hard every day at caterpillar in Joliet, Illinois, marries a school teacher who works hard every day at the Joliet public schools, just because they are married, they are punished under our Tax Code and required to pay almost \$1,400 more just because they are married?

Now, if they chose to live together outside of marriage they would save almost \$1,400. I think that is just amazing that our Tax Code actually does that, because for this machinist or school teacher, if they would choose to go to Joliet Junior College and decide to go back to school, that \$1,400 would pay for 1 year's tuition at Joliet Junior College. That really illustrates why I think it is so important that the marriage tax penalty be eliminated. Because when we think about it, 21 million married, working couples suffer the marriage tax penalty. That is 42 million taxpayers.

April 15, of course, was the day that everyone had their taxes be due, and 21 million couples, if they were not aware of it before, discovered they were paying the marriage tax penalty. That is why I believe that elimination of the marriage tax penalty should be our number one priority this year.

Mr. Speaker, I want to thank so many in the profamily groups that have worked with us and a lot of our colleagues in both the House and Senate who have come together, of course, with essentially a compromise bill that we put together, legislation called the Marriage Tax Penalty Elimination Act of 1998, legislation that will eliminate the marriage tax penalty in a very simple way.

Of course, we double the tax brackets. Right now, under, say, the 15 percent tax bracket, if one is making \$24,650, one is in the 15 percent tax bracket, but if one gets married, one can only make about \$42,000 and stay in the 15 percent tax bracket. We double it from 24,650 to 49,300. It is very simple. We also double the standard deduction which this machinist and school teacher would be able to enjoy. It is simple legislation.

The other thing I want to point out, as well, there is no unintended consequence from our legislation. The marriage tax penalty resulted from unintended consequences as the Tax Code was changed over the last 30 years. No one sought to create it, but unfortunately, it was created because our Tax Code, a progressive Tax Code, has become more complicated over the years. But we can help this machinist at Caterpillar and this school teacher in Joliet with passage of the Marriage Tax Elimination Act.

I think it is important legislation. I want to commend the gentleman from

Indiana (Mr. MCINTOSH) and the gentleman from Missouri (Mr. BLUNT), and all of those who have been working so hard who have been putting together this legislation.

Mr. MCINTOSH. Mr. Speaker, I will yield to the gentleman from Missouri (Mr. BLUNT) in a moment to further explain our legislation.

Let me mention, first, to emphasize the point the gentleman was making, if two people are working and suddenly they become married, they get hit with higher taxes simply because they are married, and that is because the tax brackets do not recognize that two people earning twice as much money should be paying the same amount of taxes. Instead, what they do is they have what is called, I guess we would call it "bracketry," but essentially they lower that higher bracket for the married couple, make them pay more taxes, and the reason that that has happened over the last 30 years is that people here in Washington want the extra money to grow government, for more spending programs.

Even President Clinton said the marriage penalty is indefensible, but, and when he starts to say "but," we have to listen carefully; I am not sure we can afford to give up the money. That has been the mentality around this place for 30 years.

Well, I am happy to say that today, I talked with our Committee on Budget chairman, the gentleman from Ohio (Mr. KASICH), who is working on a budget this week that will cut back on the growth of government, reduce the ever-expanding spending, and set aside that money so that we can eliminate the marriage penalty. I was delighted, because I think it is important that we all get behind Chairman KASICH's effort and say, yes, we will hold back just a little bit of extra money, we do not have to keep expanding government ever faster and faster, we will hold it back just a little bit, and then we will do what is right for the families in this country and eliminate the marriage penalty.

Let me now recognize the gentleman from Missouri (Mr. BLUNT) to describe in even more detail how our legislation would work.

Mr. BLUNT. Mr. Speaker, I think the gentleman's points are well made there, particularly the point about the idea that we cannot afford to give back this money. I think the real question is, can we afford to keep this money? Can we afford to continue to make marriage financially a penalty? It is just wrong to do that, and I think if this Congress needs to set any standard, that standard needs to be that every time one can leave money with American families, rather than take that money from them and bring it to Washington, American families and America is going to be better off.

Last year we passed the tax bill that created real tax relief for families with children, and if somebody has three kids at home today who are 17 or

younger, that person should be paying \$100 less in Federal taxes every month this year than you paid last year; and if you are not, you had better go down to the employment office at work and ask what form you need to get filled out to get your taxes straightened back out, because what this Congress decided was that families could spend that \$100 a month on their three kids, 17 or younger, better than some bureaucrat in Washington could spend that \$100 a month on those same kids.

Here is another chance to not do what, hopefully, we can ultimately do, which is get rid of this complex Tax Code that nobody understands and start all over toward a fairer, simpler Tax Code, but in the interim, we need to remove these inequities.

The gentleman from Illinois (Mr. WELLER) said a minute ago about that couple he was talking about, that they are almost exactly the average of the 21 million American couples that are penalized by this, almost exactly at the \$1,400 per year level. Is this fair? Of course it is not fair. Could that family do better with that \$120 or so a month, better than the Federal Government would do with it? You bet they would do better with it for their family than the Federal Government would do with it for their family. And even if they would not, is it fair to take it from that family simply because they have chosen to be married, and suddenly have this penalty kick in?

In this new and improved version of eliminating the marriage tax penalty, again I think the gentleman and Mr. WELLER have worked hard, and hopefully, I have been part of that discussion, to make sure that we do not unintentionally do something that we did not mean to do.

So, simply, we have gone in and we have doubled the brackets if you are a married couple. We have doubled the standard deduction from \$4,150 to double that, \$8,300. We have doubled the threshold where one goes from the 15 percent bracket to the 20 percent bracket, and in every other case where there was a figure that should be doubled for a couple that had not been in the past, that is what this does. It is very simple. It is very easy to understand. It is not going to produce any unintended consequences; it is just going to have people who are married and both working paying the same taxes as people who are not married and both working.

□ 1645

What could be fairer than that? The pro-family groups, the Christian Coalition, the Family Research Council, the Concerned Women of America, the Eagle Forum, the Traditional Values Coalition have all endorsed this bill. They have all said this is a giant step forward for American families.

Mr. Speaker, I think it needs to be our number one tax priority. This should not be allowed to go through another April 15. That is good news

about the budget, that this Congress is going to create a budget where we do not have to ask the question of whether we can afford not to have this money, this \$1,400 times 21 million. That is the amount of money we are talking about. We do not have to have this money to balance the budget.

We are going to balance the budget on principles of fairness and on principles that are pro-family and principles that encourage marriage. That is exactly what this bill does.

I hear more and more talk in the halls of the Capitol that more and more people think this should be the first thing we do in tax reform this year. And hopefully we can do even more tax reform than this, but this should be job one when it comes to tax reform this year.

Mr. MCINTOSH. Mr. Speaker, let me point out that one group that is particularly punished by this marriage penalty are women. One of our colleagues said to us, we could actually call this the Working Women's Tax Relief Act of 1998, because what happens is that the marriage penalty discriminates against women who throughout their career sometimes are working, sometimes they are staying at home to raise their children, sometimes when the children are old enough, going back and continuing that career.

What happens is that when they enter back into the workforce, they are immediately taxed at the higher rate because of their spouse. If we consider the Federal income taxes, the FICA taxes, the State and local taxes, women pay an astounding 50 percent marginal tax on their income simply because they are married and entering into the workforce.

Now, working women are wholeheartedly against this marriage penalty tax. Teri Ness, the CEO and founder of the National Association of Women Business Owners testified before the Committee on Small Business, and she said 95 percent of her members said Congress should eliminate the marriage penalty. It is simply a matter of fairness.

Now, the marriage penalty also discriminates against those women who decide to stay home and take care of their families because without doubling the brackets, they are penalized because they are married. And they are penalized as a stay-at-home mom because of this marriage penalty tax.

H.R. 3734 is a bill that helps all married couples by doubling the brackets, doubling the personal exemption, and allowing us to say once and for all we are going to go on record being in favor of families.

Mr. Speaker, let me turn now to the gentleman from Illinois (Mr. WELLER).

Mr. WELLER. Mr. Speaker, I thank the gentleman for yielding. What is really interesting, the gentleman from Indiana and I were elected in 1994 and of course we were part of the class of freshmen in 1994 and we made a commitment to the people and the people

who elected us that we were going to change the way Washington works. One of the most fundamental changes that we made was not only to balance the budget for the first time in 28 years, and my colleagues know darned well that if it had not been for the freshmen in 1994 that we would not have a balanced budget today, but we gave the middle-class working families the first tax cut in 16 years.

Our philosophy when we came in in 1994 was that we want families to keep more of what they earn because they work so hard. And of course they can better spend their dollars back home in Illinois and Indiana and North Carolina than we can here in Washington.

It was interesting, when the President was asked by Washington reporters what he thought about eliminating the marriage penalty, as was pointed out earlier, he said well, gee, it is a problem but basically indicated we need the money to spend. That is unfortunate because think about it. Those who object to eliminating the marriage penalty always say, gee, it is going to cost Uncle Sam. Think about it: \$1,400, that is real money for real people. And think how much \$1,400 costs middle-class working couples.

One thing the President has said earlier this year, he had an idea which frankly it is a pretty good one. He talks about expanding the already existing child care tax credit. He thinks maybe that is a better idea than eliminating the marriage penalty. My staff and I did the numbers. We figured how much tax relief this machinist and school teacher that I referred to in Joliet, Illinois, would enjoy if they have a child who goes to the day care center.

Under the President's proposal the average married couple that would qualify for the child care tax credit would see an extra \$358 a year. That pays in Joliet, Illinois, less than three weeks of day care. If we eliminate the marriage penalty for this working married couple in Joliet, this machinist at Caterpillar and a school teacher, we save them \$1,400. In Joliet, that is almost 11 weeks of child care at this child care center.

Mr. Speaker, which is better? Three months of day care with eliminating the marriage tax penalty or three weeks of day care under the President's proposal? Clearly, by eliminating the marriage penalty we can help married couples with children in a much bigger way.

Mr. MCINTOSH. Mr. Speaker, I yield to the gentleman from New York (Mr. SCHUMER), who I understand has to catch a plane.

FIRST LADY'S REMARKS ON PALESTINIAN STATE WERE A MISTAKE

Mr. SCHUMER. Mr. Speaker, I thank the gentleman from Indiana (Mr. MCINTOSH) for being gracious.

Mr. Speaker, I take the White House at its word that the First Lady's comments on a Palestinian State were a mistake and not the White House position.

But this is what the White House should have said loud and clear: For there to be peace, Yassir Arafat should renounce violence and stop turning a blind eye to those under his authority who terrorize Israel.

Israelis want peace, but they are skeptical about the Palestinian will and ability to thwart terrorism. Israelis will not and should not accept a state that is a base for terror or for war, and the First Lady, I hope, will realize that she was mistaken in believing that such a State would be in furtherance of peace. It will not.

When voices in the White House say there ought to be a Palestinian State before there are guarantees of security, they do not set the peace process forward. They set it back.

Mr. Speaker, I thank the gentleman from Indiana for his courtesy.

Mr. MCINTOSH. Mr. Speaker, let me say that I agree with the remarks of the gentleman wholeheartedly.

Mr. Speaker, let me turn now to another one of our colleagues in the class of 1994. She has represented our class at the leadership table and been a true leader in our class in trying to bring about the revolution that the gentleman from Illinois talked about in changing the way Washington does business, the gentlewoman from North Carolina (Mrs. MYRICK).

Mrs. MYRICK. Mr. Speaker, I thank both of my colleagues for bringing this bill forward. The gentleman from Illinois (Mr. WELLER) was talking earlier about the child care credits and what a difference it would make for families who are struggling to make ends meet. That is just one good example of what we are talking about.

When I go home, people say to me, "Y'all do some dumb things up there." All the time I hear that. And they say, "There is no common sense, where is the common sense that we have back here at home? You do not do it." And one of the most frequent complaints I get that on is the Tax Code. People say it makes no sense to them. I think we probably would have to be completely out of touch with the world today to in any way defend our Tax Code as reasonable or common sense.

Mr. Speaker, any one of us could send our tax forms to eight different accountants and we would get eight different examples of how we could do our taxes because nobody really knows. We have complicated the dickens out of the code. It does not make sense to any of us and even the experts have a heck of a hard time trying to figure it out.

One of the things I think that is especially stupid is the marriage tax penalty; I mean, penalizing people for getting married. And many young couples do not have a clue that this is going to hit them until after they have been married and file their first joint tax return. Then they find out that all the sudden, good grief, we owe a bunch of money we did not think we owed.

So in looking at it from common sense like we do back home in North

Carolina, we say why in the world are we encouraging as a Federal Government young people to live together instead of getting married because we tax them more if they get married? I mean, that does not make sense to anybody back in North Carolina. It certainly does not make sense to us.

That is why I am so glad my colleagues brought it forward. There is no rationale to this when we think about why they are doing this. Why? Other than to put more money in the government coffers. Taxes put more money in the government, and the government just spends it instead of letting the hard working Americans keep their own money in their own pocket, which is what this is about.

So I am just real encouraged that my colleagues brought the bill forward and I hope that everybody is going to support this so that we can get rid of this dumb idea that taxes people because they married.

Mr. MCINTOSH. Mr. Speaker, I thank the gentlewoman very much for her comments. And she mentioned young people who suddenly discover they are hit with a penalty. That reminded me of an episode two weeks ago when we were back home over the Easter recess. A young man came up to me after one of my talks and he said let me tell you what happened to me and my wife. We were just married last fall. We had to postpone our honeymoon and we were getting ready to take it this year and all of a sudden on April 15 we realized that we had to pay about \$2,200 more in taxes. That was the money they had been saving up to go on their honeymoon. He said it just broke their hearts. They had to pay the taxes they owed because of this marriage tax in the Tax Code. Now they are going to have to postpone their honeymoon once again.

Time and time again I hear from young people who do not expect it. One of my staffers said it is almost as if when they say "I do," Uncle Sam says "fork it over," and that is unfortunate in this marriage penalty tax and what it is doing to our families today.

Let me turn to one of our colleagues who has served with us actually before our class, a forerunner of the class of 1994, but is with us in spirit. And he is someone I turn to often to seek wisdom and guidance about how we can pursue these legislative objectives. I yield to the gentleman from California (Mr. ROYCE).

Mr. ROYCE. Mr. Speaker, I thank the gentleman from Indiana (Mr. MCINTOSH) for yielding to me. As a former tax manager, there are so many things wrong with the current Tax Code that I could stand here all day and night talking about them. But there is one aspect of that Tax Code that in my view is the most unfair of all, and that is the marriage penalty.

Under the current Tax Code, married couples usually pay more Federal taxes than single taxpayers, everyone knows this. We can ask any recently married

couple about the shock that they received when they got their first tax bill. And it is wrong. It is wrong that the IRS charges a family more based on their marital status than they would when two single people are individually paying those taxes.

The marriage penalty is essentially a tax on working wives, because the joint filing system compels married couples to identify a primary earner and a secondary earner and usually the wife falls into this latter category. This works out to be a tax on working women who become married. And therefore from an accountant's point of view, the wife's first dollar of income is taxed at the point where her husband's income has left her. And if the husband is making more money than the wife, then the couple may even conclude that it is not worth it for the wife to earn income. In fact, a woman working part-time may be working just to pay the tax man after the marriage.

We need to instruct the IRS to be fair and not penalize married couples just for making the decision to get married, and the way to do this is to make married people equal to single people in the eyes of the Tax Code. And I am proud to be a cosponsor of this bill with the gentleman from Illinois (Mr. WELLER) and the gentleman from Indiana (Mr. MCINTOSH).

This bill would benefit married couples regardless of whether they have children. Its ideas are simple. It allows families to decide how they file their income tax, either individually or jointly, whichever gives them the greatest benefit. And according to a recent Congressional Budget Office study, 21 million married couples paid an average of \$1,400 in additional taxes last year because they had to file jointly, \$1,400 in additional taxes.

Mr. Speaker, I know all families have a better use for \$1,400 than giving it to the IRS as a marriage penalty. Whether it is to be spent for a mortgage or extra groceries or kids, married couples should be allowed to keep that extra money they earn. They should not be penalized just because they made the decision to get married.

The Republican Party stands for tax cuts, tax relief, and the marriage penalty should be one of the first things to go. Actually, this unfair excessive tax should have been removed years ago, but the Democrats who controlled Congress for 40 years raised taxes instead of cutting them.

The marriage penalty slams middle-class workers. Economist Bruce Bartlett says that most of the people affected by the marriage penalty have incomes under \$30,000 a year.

So why does this marriage penalty exist? That is an easy one, because for years it has brought in a lot of money that the IRS would not normally have collected. And because big government is fueled by money, extra money provides even more government, more bureaucratic jobs, and therefore government does not have an incentive to eliminate the marriage penalty.

□ 1700

They actually have an incentive to keep it in place. Make no mistake about it. Anyone who supports the marriage tax penalty and votes against this bill is simply saying they do not care if married people pay more taxes than necessary or than is fair.

They are saying they do not care that an average married couple pays an additional \$1,400 in taxes to the government when they make that decision to get married. They are saying they want a bigger government at the extra expense of working couples.

We need to do everything we can to keep families together and to encourage marriage. Furthermore, we need to do everything we can to reduce the size and scope of government in our lives and reduce taxes on working Americans.

The time has come to divorce ourselves from the marriage tax penalty. We need to pass the Marriage Tax Penalty Elimination Act. I encourage all of my colleagues to vote for this outstanding and much-needed legislation. I want to thank my fellow coauthors for their presentation here today.

Mr. MCINTOSH. Mr. Speaker, let me share with the gentleman from California some good news that I mentioned earlier before he arrived on the floor.

In talking to the gentleman from Ohio (Mr. KASICH), chairman of the Committee on the Budget, he has indicated to me that it is his desire in the budget that we stop the growth of government that the gentleman from California talked about, and say we, by just holding back that growth to a reasonable level, we can make sure to have the funds available to pass the Marriage Tax Elimination Act and do that this year so that never again in this country will couples be suffering under the marriage penalty.

I applaud the gentleman from Ohio (Mr. KASICH) for putting that in his budget. We now have to work with him and show that there is public support for that budget, to convince all of our colleagues that just a little bit of restraint on that spending side of the equation will let us eliminate this marriage penalty tax.

Let me mention, also, I have been opening up my web site and inviting people all over the country to write to me about how the marriage penalty has affected them. I have received hundreds of letters. The web site, by the way, is www.house.gov/mcintosh.

I wanted to share with you a couple of those E-mails that I received. One of them is from a fellow named Tom Smith from Columbus, Ohio. He writes, "Thank you for addressing this issue. I am engaged to be married, and my finance and I have discussed the fact that we will be penalized financially. We have postponed the date of our marriage in order to save up and have a "running start," in part because of this nasty, unfair tax structure."

Then T.D. who is from Alberton, Montana, she writes to me, "My husband and I both work. We are 50 and 55

SEPTEMBER 15, 1997.

years old. This is a second marriage for both of us. We delayed our marriage for a number of years because of the tax consequences." Let me repeat that. "We delayed our marriage for a number of years because of the tax consequences. It caused a great deal of stress, lots of anguish among our families. We finally took the tax hit and married to make my family happy. This marriage penalty is awful." That is T.D. from Montana. Those are the type of responses we have been getting from hundreds of Americans who suffer from this marriage penalty tax.

Sometimes the policy analysts here in Washington come up to me and say, oh, Mr. Congressman, you cannot tell me that it really makes a difference for anybody because they have to pay \$1,400 more in taxes. I share with them these E-mails, and I say we may be able to afford it. My colleagues and I may not be affected by that, or we may tighten our belts, but there are a lot of people in this country who are living on the margin. Every dollar matters.

They are trying to save for their children to give them a chance to have a good education, to put food on the table, to have a better future. For us to tell them we are going to penalize you because you are married is outrageous and must be eliminated.

Mr. WELLER. Mr. Speaker, will the gentleman yield?

Mr. MCINTOSH. I yield to the gentleman from Illinois.

Mr. WELLER. Mr. Speaker, I, too, have also been receiving letters and E-mails as well of those who have been suffering from the marriage penalty. Like our friend, the gentleman from California (Mr. ROYCE), I have been written by a number of tax preparers who have shared examples.

One gentleman, a Robert Eckert of Jacksonville, Florida, in a letter that he shared with us, he says, "As a seasonal tax preparer and enrolled agent, I find the marriage penalty can be very significant; 12 percent of after-tax income or 33 percent increase in tax liability for many couples. This marriage penalty hits all ages and all incomes."

He has several examples here; I will mention a couple of them. One is a retired couple and the other is a low income couple. The retired on Social Security couple, he says this couple got married midyear, each with about \$20,000 in company pension income and \$12,000 in Social Security payments. As singles, they would pay no tax on the Social Security income; but as married, \$16,000 of combined Social Security payments become taxable for a penalty of \$2,400. Think about that. A married, retired couple paying \$2,400 just because they are married.

Another example that he shares is of a low income couple, and he says, this is really the saddest event of his 7 years of preparing tax returns. Mr. Eckert says, a cemetery grounds keepers and his county clerk spouse, one making \$16,000, the other making

\$11,000, are married, and they have twin 6-year-old boys.

They also have neighbors, an unmarried couple with twin 5-year-old girls working at the same cemetery and county office building and have similar incomes who not only pay \$460 less in taxes, but receive a \$2,563 in earned income tax credit check.

The married couple, the cemetery grounds keeper and his county clerk, pay over \$3,000, 12 percent of their after-tax income just because they are married. There are several other examples.

Mr. Speaker, I include these letters for the record.

The text of the letters are as follows:

OCTOBER 1, 1997.

Representative JERRY WELLER,
U.S. House of Representatives, House Office Building, Washington, DC.

DEAR REPRESENTATIVE WELLER: As a seasonal tax preparer and Enrolled Agent, I find the marriage penalty can be very significant, 12% of after tax income or 33% increase in tax liability. The marriage penalty hits all ages and all incomes. Some examples:

Retired on Social Security: This couple got married mid year, each with \$20,000 company pension income and \$12,000 social security payments. As single, they pay no tax on the social security income, as married \$16,000 of combined social security payments become taxable for a penalty of \$2,400.

High Income Executives: Two spouses with \$80,000 and \$50,000 incomes pay \$1,584 more in taxes than if, as an unmarried couple they filed single returns.

High School Teachers: Two \$40,000 a year public school teachers, each a single parent of a teenage son, got married New Year's Eve. They felt very strongly their sons would have a better chance of staying away from drugs with the emotional support and economic stability of a married two parent family. More important, they believed boys in single parent environment are six times more likely to become involved with the juvenile justice system. They became "very emotional" when I determined their tax liability increased from \$4500 each, \$9000, to \$12,434—a 35% increase for getting married and trying to help their sons to a better life.

Low Income: This is the saddest event of my seven years preparing tax returns. A cemetery grounds keeper and his county clerk spouse, \$16,000 and \$11,000 incomes, are married with twin six year old boys. They have a neighbor, an unmarried couple with twin five year old girls, working at the same cemetery and county office and similar incomes who not only pay \$460 less taxes but receive \$2563 in earned income tax credit. My married couple pay over \$3000, 12% of their after tax income for being married!!!

Sincerely,

ROBERT ECKERT, E.A.

JANUARY 18, 1998.

CONGRESSMAN WELLER: I recently heard that you were sponsoring a bill to not have tax penalty on married couples as it now exists. Our beloved Congressman is no longer with us but he was a personal friend and I also worked on all his campaigns. I remember discussing things with him. We talked about how the government having things backwards sometimes and rewarding people that are not working and penalizing the working and somehow sending the wrong message. I totally support your bill and will be praying for you also as you undertake this.

Best wishes,

PAM MANN and family.

Hon. JERRY WELLER,
House of Representatives, Cannon House Office Building, Washington, DC.

DEAR MR. WELLER: Last week our local newspaper ran an article about the marriage tax penalty bill that you and Representative McIntosh are co-sponsoring. I wholeheartedly support you in your efforts to have this unfair tax code eliminated. Since I have a dog in this fight, I want to see this inequity straightened out.

Why should we punish the people who enter into marriage over the people who choose to just live together? I think all married couples should be allowed to file their taxes either as single individuals or jointly as a couple. If filing jointly is a benefit to the married couple, that's just a plus to being married; the single couples could marry and receive the same tax benefit. As the tax code is now, in most instances, it is advantageous to be able to file taxes as a single individual. I am a 61 year old grandmother, still holding down a full time job, and I remarried three years ago. I had to think long and hard about marriage over staying single as I knew it would cost us several thousand dollars a year just to sign that marriage license. Marriage has become a contract between two individuals and the federal government. Why should the IRS be able to dictate my filing status when filing jointly is not in my best interest?

I want to write my own congressmen to ask them to support you and Mr. McIntosh. Please send me the number of the marriage tax penalty bill. Also I would like to receive more information about the specifics of the bill if you have that available.

I would be interested in helping get this bill established at the grass roots level. Do you have any suggestions on how I could help in bringing this bill to a favorable conclusion?

Sincerely,

MARY A. HOTTEL.

Congressman JERRY WELLER,
Congress of the United States, House of Representatives, Washington, DC.

DEAR CONGRESSMAN WELLER: We support your change to the "so-called marriage tax penalty".

We are prime examples of this. My husband and I work for Motorola-CSS in Libertyville, Illinois. We both work the same schedule. We generally work 40 hours a week. But, when there is overtime it is mandatory! We cannot say no! We then work a 54 hour week, 6 days, with 1 day a week off. The money is nice but all that overtime drives up our incomes into a higher tax bracket, when we file jointly.

When we filed our taxes for 1996 we owed (paid) the IRS \$1391.00. At that time we decided to have extra money withheld from my husbands check to be paid to the IRS. We thought this would balance out what we would owe for 1997. We had an extra \$120.00 a month withheld. Of course it didn't cover what we owe for 1997. With all that overtime it pushed us into an even higher tax bracket. If we hadn't had that extra \$120.00 a month taken out we would owe the IRS almost \$2200.00.

We have figured our taxes for 1997 married filing jointly, married filing separately, and single. As you can see we would benefit filing single.

We have no deductions. We are DINKS, Dual Income No Kids. We cannot write off anything. I would be happy to pay the difference that is owed to the IRS filing singly. That would be \$127.12, versus \$1003.17, married filing jointly or \$996.17 filing married/separately. Which would you choose?

We have told family and friends our dilemma. Everyone has said maybe we should get a divorce. I do not want that!

This is not fair to couples with no children or other deductions. Please do something to change that rule! Thank you for your concern.

Sincerely,

STEVEN AND KATHLEEN HINES.

UNFAIRNESS IN TAX CODE: MARRIAGE TAX PENALTY

MR. SPEAKER: I rise today to highlight what is arguably the most unfair provision in the U.S. Tax Code: the marriage tax penalty. I want to thank you for your long term interest in bringing parity to the tax burden imposed on working married couples compared to a couple living together outside of marriage.

In January, President Clinton gave his State of the Union Address outlining many of the things he wants to do with the budget surplus.

A surplus provided by the bipartisan budget agreement which: cut waste, put Ameri-

ca's fiscal house in order, and held Washington's feet to the fire to balance the budget.

While President Clinton paraded a long list of new spending totaling at least \$46-48 billion in new programs—we believe that a top priority should be returning the budget surplus to America's families as additional middle-class relief.

This Congress has given more tax relief to the middle class and working poor than any Congress of the last half century.

I think the issue of the marriage penalty can best be framed by asking these questions: Do Americans feel it's fair that our tax code imposes a higher tax penalty on marriage? Do Americans feel it's fair that the average married couple pays almost \$1,400 more in taxes than a couple with almost identical income living together outside of marriage? Is it right that our tax code provides an incentive to get divorced?

In fact, today the only form one can file to avoid the marriage tax penalty is paperwork for divorce. And that is just wrong!

MARRIAGE PENALTY EXAMPLE IN THE SOUTH SUBURBS

	Machinst	School Teacher	Couple	Weller/McIntosh II
Adjusted Gross Income	\$30,500	\$30,500	\$61,000	\$61,000
Less Personal Exemption and Standard Deduction	\$6,550	\$6,550	\$11,800	\$13,100 (Singles x2)
Taxable Income	\$23,950	\$23,950	\$49,200	\$47,900
	(x .15)	(x .15)	(Partial x .28)	(x .15)
Tax Liability	\$3592.5	\$3592.5	\$8563	\$7,185
		Marriage Penalty	\$1,378	Relief \$1378

Weller-McIntosh II Eliminates the Marriage Tax Penalty

But if they choose to live their lives in holy matrimony, and now file jointly, their combined income of \$61,000 pushes them into a higher tax bracket of 28 percent, producing a tax penalty of \$1400 in higher taxes.

On average, America's married working couples pay \$1400 more a year in taxes than individuals with the same incomes. That's serious money. Millions of married couples are still stinging from April 15th's tax bite and more married couples are realizing that they are suffering the marriage tax penalty.

Particularly if you think of it in terms of: a down payment on a house or a car, one years tuition at a local community college, or several months worth of quality child care at a local day care center.

To that end, Congressman DAVID MCINTOSH and I have authorized the Marriage Tax Penalty Elimination Act.

The Marriage Tax Penalty Elimination Act will increase the tax brackets (currently at 15% for the first \$24,650 for singles, whereas married couples filing jointly pay 15% on the first \$41,200 of their taxable income) to twice that enjoyed by singles; the Weller-McIntosh proposal would extend a married couple's 15% tax bracket to 49,300. Thus, married couples would enjoy an additional \$8,100 in taxable income subject to the low 15% tax rate as opposed to the current 28% tax rate and would result in up to \$1,053 in tax relief.

Additionally the bill will increase the standard deduction for married couples (currently \$6,900) to twice that of singles (currently at \$4,150). Under the Weller-McIntosh legislation the standard deduction for married couples filing jointly would be increased to \$8,300.

Our new legislation builds on the momentum of their popular H.R. 2456 which enjoyed the support of 238 cosponsors and numerous family, women and tax advocacy organizations. Current law punishes many married couples who file jointly by pushing them into higher tax brackets. It taxes the income of families' second wage earner—often the woman's salary—at a much higher rate than if that salary was taxed only as an individual. Our bill already has broad bipartisan co-sponsorship by Members of the House and a similar bill in the Senate also enjoys widespread support.

It isn't enough for President Clinton to suggest tax breaks for child care. The President's child care proposal would help a working couple afford, on average, three weeks of day care. Elimination of the marriage tax penalty would give the same couple the choice of paying for three months of child care—or addressing other family priorities. After all, parents know better than Washington what their family needs.

We fondly remember the 1996 State of the Union address when the President declared emphatically that, quote "the era of big government is over.

We must stick to our guns, and stay the course.

There never was an American appetite for big government.

But there certainly is for reforming the existing way government does business.

And what better way to show the American people that our government will continue along the path to reform and prosperity than by eliminating the marriage tax penalty.

Ladies and Gentleman, we are on the verge of running a surplus. It's basic math.

It means Americans are already paying more than is needed for government to do the job we expect of it.

What better way to give back than to begin with mom and dad and the American family—the backbone of our society.

We ask that President Clinton join with Congress and make elimination of the marriage tax penalty . . . a bipartisan priority.

Of all the challenges married couples face in providing home and hearth to America's children, the U.S. tax code should not be one of them.

Lets eliminate The Marriage Tax Penalty and do it now!

Thank you Mr. Speaker.

WHICH IS BETTER?

Note: The President's Proposal to expand the child care tax credit will pay for only 2 to 3 weeks of child care. The Weller-McIntosh Marriage Tax Elimination Act, H.R. 2546, will allow married couples to pay for 3 months of child care.

Since 1969, our tax laws have punished married couples when both spouses work. For no other reason than the decision to be joined in holy matrimony, more than 21 million couples a year are penalized. They pay more in taxes than they would if they were single. Not only is the marriage penalty unfair, it's wrong that our tax code punishes society's most basic institution. The marriage tax penalty exacts a disproportionate toll on working women and lower income couples with children. In many cases it is a working women's issue.

Let me give you an example of how the marriage tax penalty unfairly affects middle class married working couples.

For example, a machinist, at a Caterpillar manufacturing plant in my home district of Joliet, makes \$30,500 a year in salary. His wife is a tenured elementary school teacher, also bringing home \$30,500 a year in salary. If they would both file their taxes as singles, as individuals, they would pay 15%.

WHICH IS BETTER, 3 WEEKS OR 3 MONTHS?

CHILD CARE OPTIONS UNDER THE MARRIAGE TAX ELIMINATION ACT

	Average Tax Relief	Average Weekly Day Care Cost	Weeks Day Care
Marriage Tax Elimination Act	\$1,400	\$127	11
President's Child Care Tax Credit	358	127	2.8

Do Americans feel that it's right to tax a working couple more just because they live in holy matrimony?

Is it fair that the American tax code punishes marriage, our society's most basic institution?

WELLER-MCINTOSH II MARRIAGE TAX COMPROMISE

Weller-McIntosh II, H.R. 3734, the Marriage Tax Penalty Elimination Act presents a new, innovative marriage penalty elimination package which pulls together all the principle sponsors of various legislative proposals with legislation. Weller-McIntosh II will provide equal and significant relief to both single and dual earning married couples and can be implemented immediately.

The Marriage Tax Penalty Elimination Act will increase the tax brackets (currently at 15% for the first \$24,650 for singles, whereas married couples filing jointly pay 15% on the first \$41,200 of their taxable income) to twice that enjoyed by singles; the Weller-McIntosh proposal would extend a married couple's 15% tax bracket to 49,300. Thus, married couples would enjoy an additional \$8,100 in taxable income subject to the low 15% tax rate as opposed to the current 28% tax rate and would result in up to \$1,053 in tax relief.

Additionally the bill will increase the standard deduction for married couples (currently \$6,900) to twice that of singles (currently at \$4,150). Under the Weller-McIntosh legislation the standard deduction for married couples filing jointly would be increased to \$8,300.

Weller and McIntosh's new legislation builds on the momentum of their popular H.R. 2456 which enjoyed the support of 238 cosponsors and numerous family, women and tax advocacy organizations. Current law

punishes many married couples who file jointly by pushing them into higher tax

brackets. It taxes the income of the families' second wage earner—often the woman's sal-

ary—at a much higher rate than if that salary was taxed only as an individual.

MARRIAGE PENALTY EXAMPLE IN THE SOUTH SUBURBS

	Machinist	School Teacher	Couple	Weller-McIntosh II
Adjusted Gross Income	\$30,500	\$30,500	\$61,000	\$61,000
Less Personal Exemption and Standard Deduction	6,550	6,550	11,800	13,100 (Singles2)
Taxable Income	23,950	23,950	49,200	47,900
	(15)	(15)	(Partial.28)	(15)
Tax Liability	3592.5	3592.5	8563	7,185
		Marriage Penalty	1378	Relief 1378

Weller-McIntosh II Eliminates the Marriage Tax Penalty.

The repeal of the Marriage tax was part of the Republican's 1994 "Contract with America," but the legislation was vetoed by President Clinton.

Mr. Speaker, If the gentleman from Indiana will yield further, I will share one other letter.

Mr. MCINTOSH. Please do.

Mr. WELLER. Mr. Speaker, there is a letter from Palm Springs, California. Sonny Bono was such a dear friend to all of us, and of course he was a co-sponsor of our original legislation. We are now joined by his wife, who is going to do a terrific job in representing the area that was represented by her late husband.

But Pam Mann of Palm Springs, California says, "I recently heard that you are sponsoring a bill to not have tax penalty on married couples as it now exists. Our beloved Congressman is no longer with us but he was a personal friend, and I also worked on all of his campaigns. I remember discussing things with him. We talked about the government having things backwards sometimes and rewarding people that are not working and penalizing the working people and somehow sending the wrong message."

She supports our legislation. She says she is praying for this legislation. She thinks it is important that we do something and do the right thing; that is, eliminate the marriage tax penalty.

If you think about it, 21 million married working couples pay an average \$1,400 more just because they are married. Frankly, not only is it not right, but it is wrong that our tax code actually punishes marriage. \$1,400. That is a year's tuition at Joliet Junior College. That is three months' daycare at a local child care center. That is why I am pleased this legislation is gaining such strong support. It deserves bipartisan support.

Mr. MCINTOSH. Mr. Speaker, let me just close very briefly by saying thank you and thank you to all of my colleagues on both sides of the aisle for supporting this bill. We have a long way to go. We have to pass a budget that allows us to eliminate the marriage penalty and stay on track for a balanced budget, and we have to pass a tax bill this fall.

With the help of the American people, I am convinced that 1998 can be an historic year where we eliminate the marriage penalty tax.

Mr. SALMON. Mr. Speaker, I commend Representatives MCINTOSH, WELLER, HERGER and RILEY for reintroducing the Marriage Penalty Elimination Act. One of the most indefen-

sible aspects of our current tax code is that over 40 percent of married couples pay more in taxes filing jointly than they would if husband and wife each filed individually. This long-overdue legislation will end this discriminatory practice.

While I cosponsored the previous version of this legislation, I did not believe it was the best way to eliminate the marriage penalty. Although it eliminated the marriage penalty for the 40 percent of couples who pay more filing jointly than they would separately, it upset the important principle, embedded in current law, that different families with the same total income should be treated equally for tax purposes. Moreover, it did not treat families in which one parent either stays at home or works part-time the same as families in which both parents work full time. At a time when the President is proposing billions of dollars for commercial day care we should be offering credible alternatives that make it easier for working families to keep one parent at home.

That's why Representative RILEY and I introduced H.R. 3104, the Marriage Protection and Fairness Act. This legislation would permit married couples to use "income splitting" on their returns, and would increase the standard deduction for married couples. These changes would: offer almost all married couples a tax cut; eliminate the tax penalty on marriage that exists under current law; and continue the current policy that different families with the same total income should be treated equally for tax purposes. Not surprisingly, this legislation quickly garnered 85 cosponsors.

I am pleased to see that the concerns addressed in our legislation have been addressed in H.R. 3734. By doubling the standard deduction for married couples and doubling the income thresholds for married couples in all tax brackets, this legislation ensures that one-earner families will not be treated unfairly as a result of efforts to eliminate the marriage penalty. In addition, this legislation respects the principle that all married couples with the same income should be treated equally by the IRS.

One income families often have the toughest time making ends meet, particularly if they are raising children. This latest version of the Marriage Penalty Elimination Act will allow us to eliminate the marriage penalty without penalizing stay-at-home parents. I encourage all of my colleagues to support it.

Mr. MCINTOSH. Mr. Speaker, I yield to my colleague, the gentleman from Oklahoma (Mr. COBURN), who has a tribute to pay.

TRIBUTE TO THE LATE JOHN SAXON

Mr. COBURN. Mr. Speaker, we recently learned that our high school student's math and science skills rank near the bottom of the world. As we discuss how to reverse this alarming trend, we should take a moment to re-

flect on the legacy of a math-education pioneer who foresaw our present crisis, the late John Saxon of Oklahoma.

Saxon gained national notoriety for his revolutionary Saxon method of teaching and for waging a war against the mathematics education establishment over their failed theories. Saxon was praised by President Reagan and featured by most major news outlets.

Stanley Hartzler, a leading authority on algebra textbooks, credits him with a truly major advance. Commentator William F. Buckley predicts that Saxon will figure as prominently in the history of math education as Hyman Rickover did in the development of nuclear submarines.

In 1995, Saxon said, "America is on the road to becoming a follower in technology and science rather than a leader. Our captains of industry tell us that they are at a disadvantage in worldwide competition because our labor pool is mathematically incompetent. The time has come to question the math experts."

The type of math experts Saxon criticized were the proponents of touchy-feely new math theories. One such theorist has said it is downright dangerous to teach students basic computational math skills such as 6 times 7 equals 42 because students who have difficulty with these concepts will be cast aside and experience a terrible psychic toll measured by loss of self-esteem.

Saxon first became aware of the pending crisis in math education in the 1970s during his first teaching job at Rose State College in Oklahoma City, after retiring from an exemplary and distinguished career of 27 years in the Air Force. Saxon discovered that his students were neither comprehending nor retaining the material they were learning from their textbook.

At a student's suggestion, Saxon wrote out some problems for his class. When the students were successful from learning from his writings, Saxon decided to write a college level algebra textbook.

Saxon was then a man on a mission. Publishers told Saxon he lacked the credentials to write a textbook. However, Saxon believed so strongly in his method that he mortgaged his house, spent his savings, and borrowed money from his four children to launch his own publishing company.

Early results showed that students who learned using the Saxon method outscored those who did not by a margin of two to one. Across the Nation, C

and D students were now getting A's and B's. Classes who used his K through 12 math series routinely doubled enrollment and raised college board scores by greater than 50 percent.

Despite the mounting evidence supporting the Saxon method, the math establishment considered him to be a pariah. One journal of the profession dismissed his method as meaningless, while others accused him of turning back the clock on math education.

The cornerstone of Saxon's method is to train students in the fundamentals. Saxon was the Vince Lombardi of math education. He understood the importance of constantly drilling his pupils in the fundamentals like blocking and tackling.

Saxon said that algebra is the basic language of all mathematics beyond arithmetic. He believed higher math skills could not be taught or comprehended by students who were not thoroughly drilled in the basics. To Saxon, the math establishment was like a coach. He was trying to teach his players trick plays before they knew how to run a sweep.

As we consider how to improve math education in this country, we should reconsider what the so-called math education experts have been telling us. The education experts in society ought to be determined by the results that they produce, the impact that they have in the lives of the children, not by the titles or by their degrees that adorn their offices. Saxon's success was due to the power of his ideas, not by the prestige of any position.

Today, Saxon Publishing is growing like crazy, according to the company president Frank Wang. All 50 States and 20,000 schools nationwide use Saxon books, and company sales have quadrupled since 1991. The Washington Post ran a column this week by Wang. He said that, Saxon was in Washington picketing the annual meeting of the National Council of Teachers of Mathematics for their recommendation that calculators be integrated into classrooms. Wang said Saxon would have been surprised that at last month's council meeting Wang was invited to participate in a panel discussion on the role of the basics.

John Saxon is no longer a voice in the wilderness. Today, his legacy is on the bridge of revolutionizing math education in America. As we continue to discuss how to improve math and science education, I encourage my colleagues to let the Saxon legacy lead the way.

CONGRESS MUST ACT ON CHILD CARE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Massachusetts (Mr. MCGOVERN) is recognized for 5 minutes.

Mr. MCGOVERN. Mr. Speaker, it is time for this Congress to act and provide early childhood development,

quality child care and after-school programs for the children of this country.

In January, President Clinton announced his child care initiative and asked the Congress to provide \$20 billion over the next 5 years in support of the largest single investment in child care in this Nation's history. The President's proposal would help working families pay for child care, build the number of quality after-school programs, improve the safety and quality of care, and promote early childhood learning and early childhood development.

I am proud of the fact and proud of the President's initiative to establish an early learning fund, to strengthen early childhood development and support for parents, is based on legislation introduced in this House by myself and my colleagues, the gentlewoman from Connecticut (Ms. DELAURO) and the gentlewoman from Maryland (Mrs. MORELLA).

□ 1715

Last month, President Clinton again asked the Congress to put aside partisan differences and act on his call for new investments in child care but, sadly, the Republican leadership in this House has done nothing, absolutely nothing, to respond to that call.

Mr. Speaker, today, more than ever, America's parents are working. Three out of 5 mothers with children under age 6 work outside the home. Fathers and mothers must spend more hours at the workplace than past generations of parents, putting greater strain on the family to provide quality child care, especially for infants and toddlers 3 years and younger. Yet somehow this Congress last failed to act and, in my opinion, has neglected the needs of American working families.

Now, we are always told that money cannot be found, but over one-third of the funds required to fund the President's entire initiative was to be provided by comprehensive tobacco legislation. That funding was targeted to include not only the strengthening of child care and early childhood programs but investments in medical research and the education and training of quality child care providers. But the leadership in this Congress has rejected these initiatives time and time again and turned their backs on America's children and working families. Instead they chose to embrace big tobacco companies and the campaign funding they pour into Republican coffers.

Last month, a new Rand study found money spent to give children from modest-income and disadvantaged families a good start results in greatly reduced government costs later for remedial education, welfare, health care, and incarceration. In February, more than 170 police chiefs, sheriffs, and prosecutors called on the Federal Government to increase support for quality child care and education for preschoolers, as well as after-school programs for older children. These Amer-

ican law enforcement officials endorsed the President's child care initiative and described its approval as one of the most important steps Congress could take to fight crime.

The message is clear: The benefits to government and society of comprehensive child care, parent training, and early learning and development programs are measurable and far cheaper to provide than trying to rehabilitate young people who have gone astray. Simply put: An ounce of prevention can prevent tons of costly cures later on. Yet the Republican leadership in this Congress remains callous and indifferent to these urgent calls for action.

Mr. Speaker, on Tuesday, just 2 days ago, OMB Director Franklin Raines stated clearly that the administration would not be able to find alternative sources of funding for these initiatives if Congress failed to enact comprehensive tobacco legislation. In spite of bipartisan bills awaiting action in both bodies of Congress that would provide comprehensive tobacco legislation and funding for these critical initiatives, the Republican leadership in the House, in particular, has rejected any tobacco legislation that would channel funds toward child care.

The Republican leadership has turned its back on children, on working families, on the struggles confronting the mothers and fathers of this country, and it is a very ugly gift for this Sunday's Mother's Day.

I want the President to know that there are many Members in this Congress who believe that it is critical to enact tobacco legislation and to target part of those revenues for child care and after-school programs, and I call upon the Speaker and the leadership of this House to listen to the voices of mothers and fathers, community leaders, and child care providers that Congress must act on child care today.

BANKRUPTCY REFORM

The SPEAKER pro tempore (Mr. MILLER of Florida). Under the Speaker's announced policy of January 7, 1997, the gentlewoman from Texas (Ms. JACKSON-LEE) is recognized for 60 minutes as the designee of the minority leader.

Ms. JACKSON-LEE of Texas. As I listened to my colleagues, Mr. Speaker, discussing issues regarding the family, I cannot help but comment as well on an issue as important as the marriage penalty under the IRS code, and agree with my colleagues that we need to move quickly and expeditiously to really do for families rather than talk about families.

I offered in 1997 the Taxpayers Justice Act, which, among other things, had a provision to eliminate the marriage penalty, along with creating a taxpayers' advocacy board simplifying the Tax Code and making sure that those IRS employees who abuse their position were handled appropriately,

recognizing that there are many good hardworking Federal employees. But I think it is important that when we talk about family issues, we need to do for the families. And I believe that in many instances, it is important to do it in a bipartisan fashion.

I want to thank my colleague as well, the gentleman from Massachusetts (Mr. McGOVERN), for his comments on the very vital and important issue of child care. For he is right; the President has presented a very extensive response to the needs of our working families on child care.

Whenever I go to my district, if there is anything that is talked about more heartily, it is the needs of our children, working women, working men, working families, and single parents. If there is anything that creates a greater degree of panic and frustration, it is the inability to have safe and secure child care. And so the child care tax credit is extremely important.

Flexibility in child care hours, likewise, are part of the necessity of the new work style with so many single parents and different shifts. That is important.

And, clearly, a safe and nurturing environment is a key element to the concept of ensuring child care.

Access. All parents with children should have the ability to be able to pay for child care, to access child care. In many instance, some of the concerns that have been expressed by some of my constituents is the enormous burden, the enormous number of dollars that it takes to provide for their children.

So I rise to the floor, Mr. Speaker, to add another aspect of our concerns for families, for consumers, and something that I think we can do a lot about; and that is, as we move into next week, for the first time since 1978, we will be looking to do a major overhaul of the bankruptcy code.

Now, Mr. Speaker, when we started this discussion just a few short months ago, we had hoped, many of us serving on the Committee on the Judiciary, that this would be not only a bipartisan discussion but, as we waited upon the bankruptcy commission's final review, we really had hoped that it would bring about bipartisan solutions.

I do not know if any were aware of the process of 1978, but it was a serious process: 60 days of hearings over a 5-year period. It was intended to be instructive as well as lasting, long-lasting, in fact, and to bring about consensus. I think that should be the direction of this overhaul. To my sad dismay, we have not had the full hearing or airing of the many different aspects, the many needs that face individuals who find themselves unfortunately entangled in debt so much that they are required to file for bankruptcy.

Now, I think it is important for us to recognize that bankruptcy is not a new concept. And, frankly, most consumers are not so much aware of their neighbor's bankruptcy as they are aware of

the savings and loans debacle, the major corporations, real estate companies who folded, and many other large corporations who have taken advantage of bankruptcy through restructuring and reordering their debts.

We know the airline industry faced dire times, and many of those companies went bankrupt. Some famous names that we used to fly; we wondered about their demise. Because of the excess of debt versus assets, they filed bankruptcy. And we do well know that they filed bankruptcy. They filed it and managed to save at least the shirts on the backs of the shareholders. They were able to consolidate debt. They were able to balance debt off of assets. Fair enough. Some people might have disagreed with that. They might have said those big corporations need to pay their bills. I would simply say that has been the American way.

But the tragedy comes now that the brunt of this revision of the bankruptcy code falls on the backs of the consumers, hardworking Americans embarrassed by being overwhelmed with debt, looking to pay back their responsibilities. Now, this is not to say that there are not improvements that all of us should join in. In fact, it is also to acknowledge that it is important for the dialogue that has been going on with credit card companies, credit unions, banks, and landlords.

This is an important and needed debate; what happens when a person files bankruptcy. But it cannot be the overriding factor in determining what the legislation will ultimately be.

Why do I say that? One very prominent lawyer, representing the credit card industry in testimony in our hearings, admitted that the credit cards actually see only 4 percent of their debt go into default. Imagine that, Mr. Speaker. I think that many of us would want those odds. Four percent of the debt going into default at the same time when interest rates on credit cards are 19 percent, 17 percent, 21, 22. How high can I go? Many consumers complain about that; that they paid over and over the actual debt by way of paying the interest rates.

So I believe that we are misdirected and misguided by the very fast and what I would think is a nondeliberative manner in which this legislation will be in markup and then moved to the floor of the House.

Bankruptcy is not a new concept. We have applied the complex provisions of the bankruptcy code to thousands of bankruptcy cases filed by individual debtors. And I would like to share with my colleagues a letter from some of the experts in bankruptcy, the bankruptcy court judges. One hundred ten of them, Mr. Speaker. One hundred ten; many who have been bankruptcy judges for more than 10 years. They have seen the downward trend of our economy. They now see the good times of our economy. They have no axe to grind. They are bipartisan. They are not elected, they are appointed. They

have been appointed by circumstances that have input from Republicans and Democrats alike.

They come from different political, intellectual, and economic perspectives and represent every Federal judicial circuit, but they share one common concern: that the legislation presently before Congress would make fundamental changes in bankruptcy for individual debtors that have not been sufficiently considered. Since 1898, the letter goes on to say, an individual's debt has been discharged upon surrender of the individual's nonexempt property and the property has been liquidated to pay the individual creditors.

What does that mean? An individual takes what they have, they liquidate it, they pay off what they can, and they get a fresh start. Fair enough. They do not dodge, they do not run away from the community. They are ashamed, yes. Many people are. For these are people who have grown up in their neighborhoods. These are doctors and lawyers, small business persons, small banks. They have been contributors to their community. They are not scoundrels, criminals, and delinquents.

This proposed legislation would deny this basis for discharge in many cases, listen to this, Mr. Speaker, requiring instead that individuals make payment out of their future earnings for as much as 7 years.

Mr. Speaker, what does that mean? Shackled with their hands behind their back. Forever shackled to the tragedy of their life. Terrible medical conditions, downturn in the economy, tragedy in their family, loss of employment, collapse of their business, bad times. How many of us have not faced bad times?

□ 1730

And yet, rather than taking their assets, as I have seen so many people go through bankruptcy and cry at the loss of heirlooms and special items, or maybe it is just something simple like a bicycle or an old car, but yet those assets have been taken and the debts have been discharged, that person with barely nothing, maybe the roof over their head, can now start anew.

Maybe they have learned a new lesson, to go on and to begin to put their life together again. This bankruptcy revision will say no to that. It will take the mother and the father, the children, maybe they are planning for their college education, they have now learned their lesson and it will shackle them for 7 years.

All that says, Mr. Speaker, is that they will be back in bankruptcy again, maybe through a broken home, a family torn apart through money problems, children not able to go on to college, distressed and distraught.

These bankruptcy judges go on to say that this bill is important, but the changes are too sweeping to be acted upon without thorough consideration. They are alarmed by how little study appears to have been given to the pending bills. They believe and they know

that they are on the verge of going to the floor, and they recount that fewer than a dozen hearings have been held on all of the bills combined.

The oldest bill that has been offered, H.R. 2500, was introduced a little more than 6 months ago. The haste with which these bills are being processed can be seen by comparison, as I said, with the Bankruptcy Code of 1978, where we took 5 years.

We have been discussing the IRS. Mr. Speaker, outrageous claims have been made of abuse of power. But this Congress has held several hearings; legislation is just now coming to the floor of the House in magnitude. I would venture to say that we will be discussing those bills for a long time. But they came out of great ire and frustration and people crying out.

No one has heard from the general public on bankruptcy. No one is claiming that they have been taken advantage of by bankruptcy judges or trustees in large measure. In fact, Mr. Speaker, let me say, I do hear of disgruntled persons who filed bankruptcy and have thought that our trustees or judges have been unfair to them versus someone else. But the system overall does work, and it provides people with a second chance to come back, again to be part of the community.

These judges go on to say that the proposed bills will fail to fully accomplish their intended purpose. Already they are a failure. They will generate unnecessary litigation over unclear terms. How many times have we heard, "Washington, leave it alone. Leave it alone. Do not make anymore trouble"? We are going to generate more litigation and then impose excessive costs on all of the participants in the bankruptcy system.

Those charged with responsibility for applying the bankruptcy laws, they are urging us, Mr. Speaker, they are urging us to pull the reins on our horse, hold up just a little bit more time, do not rush to the finish line. And they come from so many different parts of our community. The Southern District of California; the Districts of Oregon, of Ohio, Illinois, Arizona, and the Northern District of Georgia; the Northern District of Ohio; the Western District of Oklahoma; the District of Massachusetts; the Southern District of California; the Western District of Washington, Louisiana, North Carolina; the Western District of Texas; the Southern District of Florida; the District of Puerto Rico; the Western District of Kentucky; Wisconsin, New York, Pennsylvania, Kansas; the Western District of Arkansas; the District of New Jersey, Maine; the District of Indiana, Michigan, and Idaho, Iowa, Michigan, Connecticut. They come from so many different parts. Montana, as well, is noted, Mr. Speaker.

That does not seem like a small outcry of reckless and knowledgeable persons. Those individuals represent the depth of our experience, the individuals that implement the Bank-

ruptcy Code; and they have asked us, Mr. Speaker, to not move this bill ahead. They have asked us to hold up the time and to recognize that we do not have the solutions.

Mr. Speaker, let me share with my colleagues some additional excerpts, because I think it is important to realize that there are those who are speaking on behalf of the voiceless, probably bankruptcy persons who are filing bankruptcies who are in need and do not even realize that within moments the laws will change, totally throw askew the ability to fairly file for bankruptcy.

Mr. Speaker, I draw to the attention of my colleagues a letter from 57 academics who are, likewise, concerned about the proposed legislation. There are 875 years of experience combined in these 57 professors who teach bankruptcy law, who understand what the tool was to be utilized for. They remind us again in 1978, 60 days and 5 years. They express their concern about the quality of information presented at the few hearings which we have held. Sitting through some of those hearings, I too recognized that much of what was said seemed to be focused specifically on those who are in the credit business.

Mr. Speaker, I would think an immediate solution would be to acknowledge several things. Americans are bombarded by credit offers. Americans, starting at the age of a high school student, can probably get a credit card sooner than they can get their driver's license.

Mr. Speaker, what about those letters that come in the mail and say, with a printed, look-alike check with someone's name on it preprinted, "Take this to your bank and you have got \$10,000." That is a credit offer, Mr. Speaker.

What about the many credit cards that come in through many different affiliations? Some of us get them from our alma maters. Of course, we take pride in those. But it is nothing more than credit, nothing more than free, loose credit.

What we really need, Mr. Speaker, is a stand-alone bill that educates the consumers, educates the consumers about how to use credit effectively and responsibly. I would imagine, Mr. Speaker, that we would have all of these bankruptcy judges whom I have just alluded to, all of these academics whose letters I am about to share with my colleagues, joining us in saying, if nothing else, that is the right step. Teach the single parent, the divorced parent, the single person, the senior citizen, teach them, the small business owner, how to effectively use credit.

Now, I am not charging that credit is not an important aspect of our financial infrastructure in America. In fact, it is well-known, and let me thank them, that many small businesses who are now successful today started with a credit card loan of \$1,000 or \$2,500. Might I add, as an additional insight, many of my constituents African

Americans, Hispanics, and women who have had a tough time getting actual, traditional bank loans have started their businesses with credit cards; and they in fact have benefited, paid it back, and their businesses have grown.

So this is not to undermine or to eliminate access to credit or credit cards. But I do not think there would be much disagreement that the overuse of credit cards, the bombarding of credit card offers have been some of the real reasons why we have seen in many instances the utilization of the Bankruptcy Code and process and why many of our citizens have fallen upon hard times, along with other items that might contribute.

These particular academics said again that they are concerned about the kind of information that we got at the hearings. The studies that have been the driving force behind many proposed reforms appear to have been inadequate and to have emphasized the interest of institutional creditors. To date, virtually no one has spoken for those Americans who have declared bankruptcy or who may one day be forced into that position.

In fact, Mr. Speaker, we were very short on persons who were there and who had filed for bankruptcy. How can we bring about a consensus by not having those true partakers of all shapes and sizes that can literally tell us what they went through, what would help them, what would help them not file again, how the code or the process worked for them? Are we ashamed of people who own up they just did not have the financial ability to pay their debts, help them out, and find a way to make sure that whomever they could pay, they would? I find it disappointing.

How difficult it was that we as Democrats attempted to make the point, slow down, where are the other witnesses? But yet, our voices were unheard. We made the record. We will have the record to stand on. But, Mr. Speaker, I am here to get solutions. And I will be looking to draft legislation that stands alone, that speaks directly to the question of educating consumers responsibly about using credit. That is where we can get bipartisan support and help. And let the rest of these major revisions, which cause an imbalance on the scales of justice, creditors high up and debtors low down, let that be stalled until we can hear from a broader cross-section of Americans about this Bankruptcy Code.

"Aside from the Tax Code," the letter goes on to say, "and the Social Security laws, no other Federal law affects more Americans." I think that is the point that I am trying to make, Mr. Speaker. Bankruptcy is not a popular discussion. April 15, everyone knows the IRS, the Internal Revenue Service. They are filling out those papers, willingly or unwillingly.

Social Security has been the lifeblood of many in our community. They know those words, Social Security.

Bankruptcy, albeit utilized quite frequently, the very reason why we should go slow is because many people do it under duress, unwillingly, because they are still struggling to try and pay those bills on their own.

Just recently one of the talk shows had the youngest bankrupt filers, and I remember an excerpt in particular where a youngster, maybe a young woman or a teenager, used a credit card to buy something for 25 cents.

Mr. Speaker, credit is rampant in this country, and that is what we really need to be talking about. This is what this Congress needs to be, a problem solver, not a creator of problems. And that is what we are doing with this Bankruptcy Code, Mr. Speaker. Bankruptcy brings about shame, but yet it is equated with the Tax Code and Social Security.

My colleagues would not see us overhaul the Tax Code. In fact, in my bill, the Taxpayers Justice Act that calls for the simplification of the Tax Code, I know that there is a long journey for that legislation to follow.

We know that the Tax Code is enormous. But we are not going to do it with meager hearings. It is going to take a while.

This whole question of preserving the Social Security Trust, now that we know that 2032 is when we will see it faltering, it is going to take an enormous number of years. We are committed to preserving Social Security. But what about bankruptcy and the procedures that keep this country going? Few people talk about it because they file in the dark of night, in silence, because, Mr. Speaker, people are not filing recklessly or they are not filing to abuse the system.

They are not filing happily. They are filing, Mr. Speaker, because they have come upon hard times that any one of us could face, any one of us with catastrophic illnesses, children with catastrophic diseases requiring transplants, or long illnesses of a loved one who is tragically injured, personally injured or disabled, maybe the breadwinner, and that family now has to turn to other resources.

Are we, Mr. Speaker, going to apply these new revisions raising the cap on who can apply, taking their earned income 7 years down the road?

□ 1745

For some of those families caring for a loved one, that is taking all of their money. You might literally be putting those families out on the street because they cannot clear their debts.

It is very evident, Mr. Speaker, that most, as the letter goes on to say, individuals who file bankruptcy are average middle-class Americans focusing on one interest, that of creditors, and in particular creditors who hold credit card debt. But focusing on this one interest tends to mute the voices of the millions of other Americans affected by bankruptcy law. This imbalance affects more than debtors. When debt in-

stitutions hold the stage and suggest the changes, noninstitutional creditors such as former spouses with support claims stand to lose. Do you know who stands to lose? Children. Children of these individuals who have maybe gone a little bit over their head.

These law professors as well come from all manner of political philosophies. Creighton University, the University of Kansas Law School, Rutgers, the University of Chicago, Emory Law School, the University of Iowa College of Law, Seton Hall, Indiana University, the University of Arizona, Cornell Law School, Emory again, Georgia State, University of California at Los Angeles, Creighton University, University of Memphis, the College of William and Mary, California Western School of Law, Northwestern University School of Law, Capital University, the University of Tulsa, Arizona State, the University of Connecticut. The University of North Carolina at Chapel Hill, the University of Pittsburgh, Franklin Pierce, Boston College Law School, Duke University, Indiana, New York University, University of California again at L.A., Florida State University, the University of Missouri Columbia, the University of Tennessee. So many. The University of Wisconsin, San Francisco, Harvard, University of Wyoming, University of Texas, Columbia University, George Washington University, University of Michigan, Tulane, Santa Clara, University of Miami, Washington & Lee, Gonzaga University, University of Baltimore.

Mr. Speaker, this collective thought should be an overwhelming statement that we are going just too far. And so, Mr. Speaker, I think it is important that the facts be put on the table. We need to be able to understand that in order to address the question, you have also got to have the facts. I would add along with the facts, let us have a little compassion. In works done by Elizabeth Warren, Leo Gottlieb Professor of Law at Harvard Law School where she summarizes her research, she provides for us information that about 1.4 million families will file for consumer bankruptcy, a rise of about 400 percent since 1980.

Virtually all independent academic study and all government studies of the increase in bankruptcy demonstrate that the rise in bankruptcy filings follows equally sharp rises in the amount of consumer debt per household.

So there it is. I would like to see someone refute the fact that this enormous amount of consumer debt has contributed to the upward climb in bankruptcy that rose sharply in 1986, dipped in the 1990s, and a steeper rise since 1994.

"Families carry short-term high interest credit card debt and they are more at risk for failure." Because what happens, Mr. Speaker, is when you have got that credit card debt, no savings, any setback such as a job loss or uninsured medical loss, catastrophic illnesses, divorce, death can bring

about this debt. I know it full well. Houston, Texas in the 1980s suffered an oil bust that we never thought we would see. Texas is an oil State. We are proud of it. Much happiness and wealth came about through the speculation and the exploration of domestic oil deposits. We had people who were wildcatters and proud of it. As a lawyer in Houston, small energy companies proliferated, some successfully, some not. But when the oil bust hit, I can assure you, Mr. Speaker, tragedies befell our community. Many of those persons were the backbone of our charitable giving. We saw major layoffs. Similar to the defense fall in California, when people just walked away from their homes, when neighborhoods became valleys of desperation, that is what happened in Houston. Suburban communities became desolate. People in their frustration had to walk away. That was not a pretty sight. I can assure you those individuals who had the wherewithal to use the bankruptcy process were not doing it willingly.

"New academic research," Professor Warren says,

demonstrates that as a group the debtors who file for bankruptcy in the mid-1990s are worse off than their counterparts who filed in the 1980s. Their incomes are lower, their debts are higher. These data suggest that as a group Americans are less willing to declare bankruptcy. They file when they are so pressed financially that they have no alternative.

I think it is important, Mr. Speaker, to realize, maybe that is what will slow this down. Maybe if we could stop the name-calling and the belief that everyone is trying to run away from the credit debt that they have, the car loans that they have. Here it is right here. The data suggest that it is the last resort. Are we, Mr. Speaker, going to take the last lifeline from a drowning man or woman, this bankruptcy code, and tell them, "You drown"? That is what this bill does.

Bankrupt debtors are a cross-section of America. People who file for bankruptcy have educational levels on par with all other middle-class Americans. They work in the same occupations and in the same industries as other middle-class Americans. They are employed and they own homes in roughly similar proportions to all other Americans.

By every social measure, they are middle class. But, Mr. Speaker, the real point is they are decent Americans. We have got them, holding them up to ridicule, to embarrassment and now we are going to do the final blow. "We will get you, we will change the requirements so you won't have any opportunity to save dignity, to remain in your community, to send your children to college."

Mr. Speaker, let me give you the roll call of the consumer bankruptcies as Professor Warren outlays for us. Let me give you the enemies list that this bill is going after. Older Americans. I tell you, they fight it tooth and nail.

But because they take on less consumer debt per household, older Americans end up in bankruptcy less frequently than their younger counterparts. But when they do file, a larger fraction, 40 percent, explain that they are driven to bankruptcy by medical debts they cannot pay. Medicare does not pay it, insurance does not pay it. Older Americans also suffer from job losses and job erosion so that two-thirds of the debtors age 50 to 65 cite either a medical reason or a job reason for their bankruptcy filings.

The next culprit, the next one on the roll call list, the next enemy, women raising families. In fact, both men and women, the report goes on to say, file bankruptcy following a divorce. Collectively, the bankruptcy sample has 300 percent more divorced people than the population generally. I can attest to the many women who are divorced and who I have interacted with who have indicated the real difficulty of getting their financial situation in place. Texas is a community property State. But in many instances in a divorce, much is lost, the sharing of assets, many of it is debt. The women are left with limited assets. They may not have worked, they may have been homemakers caring for the children. They have to scramble to get employment. That employment does not pay the share of the debts left for them. Families already laden with consumer debt cannot divide their income to support two households and survive economically.

Mr. Speaker, the real victim who is added to the enemies list now is and will be the child, the children of that family. This is outrageous. We have a bankruptcy bill, Mr. Speaker, that does not even protect child support as protected income when you file bankruptcy.

Mr. Speaker, that is why I will offer amendments and, if need be, a free-standing bill to protect child support as protected income for the receiver of the child support and the renderer of the child support. How outrageous can we get? So that if you pay child support right now, as this bill proceeds you would have the opportunity, if you will, to lose it, because it goes into the pot that pays all the credit card companies, the car loan, and other debts while those children waiting for the monthly stipend to help pay for clothing and food and medical expenses goes untaken care of. And the payer of the child support, who is well-meaning and well-intended and the one who wants to escape, for there is no doubt that it is well-known of the enormous numbers of women and the custodial male parent who needs child support who do not get it because one parent escapes to another part of the country, that is one of the most serious problems that we are facing in many of our communities, children untaken care of, because the parent who is not the custodial parent does not provide support.

Mr. Speaker, do we want to add more to the rolls? I would hope that every-

one, women who receive child support, will join me in their ire but also their advocacy for ensuring that whatever happens, that we do not destroy the protection of child support, join me in support of this legislation and this effort to ensure a bill that is broken and should not proceed at least does not destroy the remaining remnants of a family trying to take care singularly of children who are in need.

I already mentioned the oil bust, the defense bust, if you will, in California, many other busts throughout the country, farmers who we have worked with, particularly the black farmers who are facing strife in dealing with trying to be compensated for ills that this government perpetrated against them. Many had to file bankruptcy, many had to lose their property, many became unemployed, so the next culprit on the roll call list, unemployed workers. I did not say, Mr. Speaker, workers who never worked. I never said those who cast about in our community as some people allege, never looking to be responsible. I said unemployed workers, union workers, working men and women, defense contractors, workers who work for the government, local government, county government, and they have been laid off. More than half the debtors who file for bankruptcy report a significant period of unemployment preceding their filings. For single-parent households, a period of unemployment can be devastating. Of course, married couples may fare a little better than or slightly better than, but they still have the harshness of one person being unemployed. And you will find, as Professor Warren goes on to say, that many times the wife is unemployed before bankruptcy is filed.

Just yesterday we addressed the question of the Riggs amendment about affirmative action and the question of whether it was needed in higher education. I want to thank the House of Representatives for, in a bipartisan manner, voting against eliminating affirmative action across this Nation. They took the high moral ground.

Let me give you another population of persons that are uniquely placed on the bankruptcy rolls. Here is another group to add to the enemies list. African-American and Hispanic families are overrepresented in bankruptcy. Now, someone who wants to give a negative taint to this, Mr. Speaker, would simply say, "Here they go again." But they don't go again. That is not accurate. They face job loss and medical debts as their counterparts in the larger community. But what happens is, is that in the African-American and Hispanic communities, their home represents their greatest asset. Their savings are limited. They do not have as much in savings as the larger community.

□ 1800

The deep pockets are not there. They do not have a lot of retirement plans and portfolios, stock portfolios and

other real estate investment. So a larger fraction of the African-American and Hispanic filers are in position to lose their homes, and so they are reaching out for a lifeline in order to be able to save their home. Debt secured by home mortgage or home equity line of credit cannot be stripped down or reduced any way in bankruptcy. And most families will also continue to make car payments. They need their cars, and they will lose them if they do not pay.

That goes to the answer of why people file bankruptcy, and what does it do. Chapter 7 discharges all its short-term, high-interest debt, principally credit card and finance company debt, along with some medical debts. However, after that, the bankrupt person must make all payments on the family home, including interest, late charges, and penalties or they will lose their homes. They must also pay off any second or third mortgages plus any home equity lines of credit or risk losing the house.

They will do that, Mr. Speaker. The families will continue to make that effort. But they sure cannot do it if you going to take their future income for 7 years. They sure cannot get to work if you take their car because they are taking the money to pay off debts rather than having discharged it on the assets that they would have.

Let me remind you again, Mr. Speaker, I gave you a number. Four percent of the credit card debt in America is defaulted. Thus, in fact, for people who believe that Chapter 7, Professor Warren says, is a get-by type of relief, I got you, I got you; it is not, for families are still paying off debt. But what they can do is they can concentrate more effectively on the moneys that keep the roof over their head to pay the alimony and child support to take care of back taxes and education loans and the heavy burden of other debt, yes, that they mistakenly took, is off their shoulders. They can raise their head up a little bit, they can be part of the community, they can become more stable. They can possibly take classes that teach them how to be more responsible in the utilizing of credit.

You will find that the mortgage company and the ex-spouse and the IRS and the child are more likely to collect, and to the extent that these debtors are thrown out of the bankruptcy system, they will not stabilize financially, this report goes on to say, they will just crumble and collapse. They will become nonentities, disappearing from the formal community structure, possibly going on public assistance and, as well, Mr. Speaker, going back rather than going forward.

It is extremely important, Mr. Speaker, that we recognize that to destroy the bankruptcy system that has not cried out for major change, there has not been a public outcry or uprising, and here we are trying to fix something in Washington; here we go again, seeking to have people pay 7 years in

the future, taking literally the roof off over their head, the car out of their driveway, telling them that you just need to crumble.

In the instance of Chapter 13; that is, as Professor Warren notes, these are people who volunteer to pay some portion of their debts over 3 to 5 years. For over 15 years, however, two out of three of the debtors who filed for Chapter 13 do not make it through a repayment plan. Why? Many face unemployment; it is just too long. For many, however, the reason is simple; they do not earn enough money.

So Chapter 13 repayment plans fail and they leave the system and they disappear, whereas Chapter 7 takes the debt away from them, gets them back into paying those most vital and important bills that they have to pay.

I hope to be home this weekend, Mr. Speaker, and listen to the voices of my constituents. I have already listened, and I have not heard a major outcry of the consumers who use debt. I have not seen evidence of the need for the complete overhaul as expeditiously as we are doing it, Mr. Speaker. I do believe that more deliberative hearings, more balanced hearings, can answer the questions of the community of credit card companies, the community of retailers, the community of credit unions, all good people. In fact, quietly one might find that they know what filing bankruptcy means. It is not a respecter of persons, Mr. Speaker. But it does, it does help a drowning man or woman.

Why would we want to be in the United States Congress and be the very articulators, if you will, the very implementors of legislation that would take away the lifeline of hardworking Americans?

I want to take a moment, Mr. Speaker, to really focus on women as creditors, because I think that women need to realize that this quiet legislation working its way through the process like the bionic minute, going against time, traveling at the speed of light, really is going to hurt women.

In Bankruptcy and Single Parents, again Professor Warren notes that current law gives women priority in collection. During 1997, an estimated 300,000 bankruptcy cases involved child support and alimony orders. In about half of these cases, Mr. Speaker, the woman was the creditor trying to collect alimony and child support. And, Mr. Speaker, as I have said, now we want to pass legislation that heightens credit cards and others and lowers women and children.

Alimony and support obligations are not dischargeable. The pending legislation largely supported, as I said, by many of the credit card companies, would put credit card charges on the same footing as support obligations.

Now what does that mean, Mr. Speaker?

It simply says that the big guns will get that poor and despondent filer of bankruptcy over the ex-wife or the

child, because when you have to enforce the order and you are equal, then I would simply say that the person with the deep pockets is going to be able to get that money first and faster.

Currently, alimony and child support, past taxes and educational loans survive a Chapter 7 bankruptcy. Recipients of child support and alimony are benefited with their financially troubled ex-spouses, can discharge their own debts and get their finances in order so they can make the payment on their nondischargeable debts including their alimony and support payments.

So what happens now is you get rid of those debts and you begin to pay those, where others are depending upon you for their actual survival. But now, if these changes are made, whereas right now we have a shot at getting that money, if the changes are made, you can be sure that the ex-spouse, the mother, the father who has custodial care, who needs those support payments or in fact alimony payments for that divorced person who has no other means of support, will be out there swimming with the sharks, if you will. They will be fighting with others, trying to get the few pennies that will keep the roof over their head, bread on their table, a doctor seeing them for their medical ailments.

Mr. Speaker, if I sound dire and distressed, I am; because this bankruptcy revision is wrongheaded and misdirected.

Even today in Chapter 13, ex-spouses currently enjoy a preference in repayment. Typically, past-due alimony and child support can be paid on an accelerated schedule in Chapter 13. The proposed amendments would force debtors to pay all unsecured debt in pro rata installments with nondischargeable debts, cited by Professor Warren in Bankruptcy and Single Parents.

Mr. Speaker, what it would do is it would certainly draw the curtains down on the survival of many families in America.

Mr. Speaker, this Congress rises to the floor of the House so many times, and it speaks about family values, protecting the family, the sanctity of the family. Well, I am ashamed to tell you, Mr. Speaker, that this bankruptcy revision, or revisionist bankruptcy activities, does not even protect our tithe.

I offered an amendment there as well, Mr. Speaker. There are many in our communities, our religious communities, whose biblical teachings instruct them to tithe, to separate out moneys to give to the One that they believe in. We have always spoken, Mr. Speaker, of the separation of church and State. This Congress has also raised its voice about how important religion is, even to the extent where I disagree, where they have intruded upon religions by certain amendments forcing different religion on persons of different religions. I am a believer in the separation of church and State and

the freedom of religion, and hold with high degree of respect and reverence the right for all Americans to practice their faith. I believe in that. But do you mean to tell me that we would have the audacity to pass legislation, Mr. Speaker, that would announce that a tithe is illegitimate?

How can that be true; tithe is now illegitimate? And that means, Mr. Speaker, that I would be assessing your religious beliefs that tithe would not be protected income.

Now, Mr. Speaker, I am not asking that this be allowed with no documentation. I am simply saying to you, Mr. Speaker, that there is all manner of ways to document that tithe has been given over to the religious institution. The religious institution can provide the receipt, certainly documentation on behalf of the debtor; but the importance factor, Mr. Speaker, is that we need to acknowledge that we have no business in taking money from those who cannot pay their other bills.

I want to simply show you, Mr. Speaker, so that we can set the record straight about those individuals who apply for bankruptcy so that no one will have any impression again that these people are rolling in money.

I think I heard testimony in one of the few hearings that we had: Well, you know it is these rich professionals that are running off and using the bankruptcy code recklessly and unfairly, and we are being burdened by their debt.

Again I remind you that on the credit card debt we are paying high interest rates. I would imagine that many have paid that debt over and over again, over and over again.

But this chart shows us, and that tall pole there that you might be seeing shows us, that the median income in filing for bankruptcy in 1997 dollars, you have got \$42,000; in 1981, \$23,000; 1991, \$18,000; 1995, \$17,000; and then 1997.

□ 1815

It shows, Mr. Speaker, that it is not the rich person that tries to take advantage on the consumer end, but it is the hard-working, struggling, tax-paying citizen of this country with a number of children who is trying to make ends meet.

This proposed legislation would burden larger families. Again, I refer my colleagues, Mr. Speaker, to whole concept of the sanctity of families, preserving families. In fact, this legislation that would be revised, Mr. Speaker, would hurt families who are struggling to stay together.

Mr. Speaker, I hope this evening that some eyes have been opened, that although the Bankruptcy Code does not ring special, does not have the ring of Social Security or the IRS, does not ring a bell, that what we have laid out this evening will certainly speak to the issue, hold it up.

Do not mark it up and certainly do not bring this bill to the floor of the House, for if we talk about a revamping

of the financial services industry, which has taken some time, but within minutes we are talking about overhauling the bankruptcy structure, which, Mr. Speaker, will undermine the infrastructure of this country, will have people fleeing their communities. Tragedies will befall families who are overwhelmed with debt and are only looking for a lifeline to renew their commitment to this system and to begin to pay their bills, child support, not protected; alimony, not protected; older citizens, violated and cannot file on the basis of this legislation; unemployed persons now unable to do so; people with catastrophic illnesses.

My call, Mr. Speaker, is to make sure we protect our children, and I am working on the support legislation and the alimony legislation to make it protected income. But most importantly, Mr. Speaker, I am calling for this bill not to be brought to the floor of the House, and if it does come here, that ultimately it is vetoed by the President of the United States. I am standing on behalf of hard-working Americans to ensure, Mr. Speaker, that we have a deliberative process that balances the needs of businesses with the needs of consumers, and educates consumers against credit use and abuse, and educates the credit-givers against bombarding America with all kinds of miscellaneous credit.

Mr. Speaker, I think if we can do that, we can find a way for the bell to ring on the bankruptcy revisions in a consolidated manner that has consensus, Mr. Speaker, and speaks on behalf of the American people.

BETRAYAL OF AMERICANS BY AMERICANS

The SPEAKER pro tempore (Mr. PEASE). Under the Speaker's announced policy of January 7, 1997, the gentleman from California (Mr. ROHRABACHER) is recognized for 60 minutes.

Mr. ROHRABACHER. Mr. Speaker, today I rise again to discuss one of the most disturbing issues with which I have had to deal since being elected to Congress 10 years ago. The facts are still being uncovered, but it appears now that America has been betrayed, betrayed by several large, high-technology corporations and by the Clinton administration.

I do not use the word "betrayal" lightly. When Bill Clinton was elected President of the United States 5 years ago, we could confront wrongdoing on the part of the Red Chinese with little direct threat to the United States. This, unfortunately, is no longer true. In the future, should we confront the Communist Chinese over an act of aggression, perhaps against our friends in the Philippines, for example, where the Communist Chinese are trying to occupy some of the Spratly Islands by force, and the Filipinos have no ability to defend themselves, but in the future when the Communist Chinese commit these acts of aggression, they will have

the capability of launching a missile from the mainland of China and landing a nuclear weapon in the United States. This puts every man, woman and child in our country in jeopardy.

How is it that the Communist Chinese have improved their missile capability? You better sit down, Mr. and Mrs. America, because it appears that several large American high-tech corporations, in collusion with the Clinton administration, provided technology to the Communist Chinese that perfected their nuclear weapons delivery systems, and you can read that, "missiles." American technology is being used to upgrade the capability of the Communist Chinese to launch a nuclear strike against the United States. It takes the wind right out of your lungs, does it not, just to think about it? If this is true, it is the worst technological betrayal of the American people since the Rosenbergs. This is nothing less than a catastrophe for the security of our Nation and the safety of our people.

So if it did happen, which there seems to be evidence that it did, how did such a thing happen? First and foremost, pushed by corporate leaders eager for profit and liberal foreign policy polls, America has been walking down a dangerous and counter-productive road with the Communist Chinese for a decade. Yes, reasonable people can disagree. Even I was optimistic before Tiananmen Square. I was optimistic that China would evolve out of its Communist dictatorship and perhaps evolve into a freer society, perhaps even a democracy. And, in the late 1980s, when there were clear signs of an evolution in the right direction, a policy of goodwill, sincerity, and on building the Chinese economy through trade made sense, even if it meant at the time that the trade between us was a little bit unequal; and was unequal, certainly.

But all that changed, Mr. Speaker, on June 4, 1989. What happened in Tiananmen Square was not just a massacre of several thousand unarmed Chinese students, it was an internal declaration of war against democracy and human rights and all of those decent people in China who advocate more humane and democratic government.

All those who claim that doing business with China will make that country a more open and free society have been proven wrong. That trend, which we saw in the 1980s, was reversed. That trend for the last 10 years has been in the opposite direction, even as massive investments have been made in these last 10 years since Tiananmen Square in China.

Ten years ago there was a reform movement in China. There was hope for an evolution in Tibet; there was the growth of Christianity. Today, all the reformers have fled or are in jail or are dead. Christians, Tibetan Buddhists, Muslims, all of the religious believers alike, are being persecuted with increased and renewed intensity.

Even as the Chinese regime shoots its prisoners and sells their body organs in order to make money from this gruesome task, during these last 10 years, the investment in China from the United States has accelerated, even as we continue to go in the wrong direction, totally disproving this theory that all we have to do is trade with these people.

It is the idea that if we just trade more with Hitler and interact with him socially, we are going to make Hitler into a nice, fuzzy, warm liberal instead of a Nazi. That, of course, was stupid. Hitler and Germany at that time, as well as Italy, were economically advanced countries. The same with Japan, an economically advanced country, yet they had vicious dictatorships in the 1930s. Our businessmen traded with these people. They did their best to establish economic ties with these people. Yet the Japanese militarists, the Nazis and the Fascists, they just drove their tanks right over the hopes and dreams of all of these people who were wishful thinkers.

China today is the worst abuser of human rights on this planet. It maintains a 30 to 40 percent tariff on all U.S. imports, while at the same time the Chinese consumer products are flooded into our market with a 3 or 4 percent tariff. So here we have a country that is the worst human rights abuser in the world today, a dictatorship, a country that is belligerent towards the West and has been giving technological secrets to the Iranians and other terrorist states, yet we have given this country the right to import with a flood of imports into the United States of America consumer goods at only 3 or 4 percent tariffs, while their tariffs are 30 or 40 percent at times on American goods.

Who negotiated that treaty? Who was watching out for our interests?

The Communist Chinese continue to enjoy a \$40 to \$50 billion trade surplus with us because of this unfair trade relationship. No wonder, when we permit that to keep an unfair trade relationship, to keep a situation where they can charge us tariffs on our goods and they get to flood theirs in here and they make \$50 billion a year, no wonder they do not take us seriously when our leaders talk about human rights.

They must know that when Bill Clinton, as President of the United States, is talking about human rights, he is only doing it for domestic consumption, because if he really meant it, he would do something that would threaten this \$50 billion trade surplus that they have.

And what are they doing with their trade surplus? They are building weapons. They are building ships and missiles and military weapons that will someday threaten the United States, and in fact, their missiles already threaten the United States.

President Clinton, reversing an election commitment to oppose Most Favored Nation status for China has

strenuously pushed Most Favored Nation status for China every year, even though supposedly, we are concerned about human rights and the human rights situation like in Tibet and elsewhere continues to decline.

Well, what does MFN really mean, by the way, if there are a lot of free traders in this country who believe that if one is against Most Favored Nation status for China, that means one is against any trade with China? Well, that is just not the truth. That is not what Most Favored Nation status is about. People are perfectly free to trade with a country that does not have Most Favored Nation status. In fact, one is free to do so, but one has to do so at one's own risk.

What Most Favored Nation status means is that the taxpayers of this country will guarantee investments made in Communist China and in other countries like Vietnam where we just gave them Most Favored Nation status through the Export-Import Bank or the World Bank or OPIC or many of these other institutions that were set up to utilize American taxpayers' dollars, the IMF and others, so that investments could be made in these brutal dictatorships to build factories there, and they would be guaranteed or they would be subsidized in some way by American tax dollars. That is what goes on when we are talking about Most Favored Nation status.

Mr. Speaker, this, in itself, is a betrayal of the American people, using our tax dollars to set up companies overseas that will put our own people out of work. Because those companies then produce products with slave labor, and they are brought into the United States, and they put out of work the same people who pay the taxes to secure the investment made overseas. That is an economic betrayal of our people.

Now, this result that our country is in jeopardy today from nuclear weapons is also a result of the blurring of the distinctions that permitted us to have this sort of crazy, unfair trading relationship with a dictatorship. And with us providing taxpayer guarantees for people who want to invest in dictatorships, there has been a blurring in our country of the distinction between what is a free country and what is a dictatorship.

Every time we turn around, when we try to condemn Adolf Hitler or Joseph Stalin, we have these people, and I might say they are modern-day people who are equivalent of the Hitlers and Stalins, we have people who say, yes, but you have race problems in the United States; or how about this or this or that injustice that exists in this or that democratic country?

□ 1830

As if there is no difference between democratic countries and dictatorships. Well, there is a difference and we have our faults. But we are trying to do our best to correct them and we have

made major strides in correcting our imperfections. But America at its most imperfect was better than any of these dictatorships and our President, of course, has blurred the distinction between right and wrong.

What is morality? What is right and wrong? What is giving your word? These things today with the scandal going on in the White House, and I will not go into any of that because what I am talking about tonight is far worse than that, but the distinctions of right and wrong have been blurred; of truth and honesty on one side, of lies and dishonesty on the other. There is a difference.

When people talked about character, that is what we talked about. At the same time, when someone gives their word and pledges they are against Most Favored Nations status for China and asks for a vote and then reverses himself immediately after the election, this creates something in people's mind that says even the President of the United States when giving his word it means nothing. At the same time that we have had these moral distinctions blurred we have been barraged in our country with talk about a global economy.

We are not just talking about our economy anymore and the well-being of our people, we are talking about a global economy, about a new world order, and about multinational corporations. Not companies, not American companies anymore. Not what is good for the American people, not policies aimed at building our standard of living, but instead the idea that we have got to go out and work for a global economy. We have got to have a system of stability around the world with economic interchange that the net result is the United States ends up proping up dictators and ends up creating stability for people who live under tyranny, which to them means keeping their tyrants in power and establishing trade relationships that provide those tyrants with weapons and the means to oppress their own people.

All of this has blurred, all of these things have blurred the concept of patriotism and loyalty and truth and justice and all of those things that America is supposed to stand for. But, of course, that is old fashioned and to stand for things, they say there is a single standard instead of a subjective standard, that is passe. Well, there are consequences to the blurring of morality. There are consequences to telling people there is no right and wrong and anyone can make an agreement and break it. There is a consequence when the level of patriotism in our society declines.

This is what has happened when American businessmen, some very high-tech businessmen, have gone overseas and made decisions that put not only our economic well-being at risk, not only selling out the economic well-being of the American working people who they tax in order to get a guaran-

tee to build their factory in Vietnam or some other dictatorship in China. But some businessmen now we find are making decisions that are putting all of us at risk in order to bolster a business relationship with a communist dictatorship.

This story, it is a sad story, and here we are in a different world in which every man, woman, and child may well be in greater risk of nuclear annihilation because American technology was taken by an American citizen and given to the communist Chinese regime.

This story started a few years ago which several American aerospace companies pushed to have permission to launch their satellites on foreign rockets. This happened while I was a Member of Congress, and the arguments these companies made were legitimate arguments. They said that there were not enough launchers in the United States. Furthermore, if their satellites could be sold, some countries would demand that their satellites be launched on other rockets, cheaper rockets than could be afforded in the United States.

Well, knowing the different rockets and missiles that were available around the world, I agreed with that strategy, because our satellite industry is just as important as our missile industry in southern California. It is part of our aerospace industry. And satellite producers, they hire many, many thousands of people, just as rocket builders do. And so we could not jeopardize our satellite industry, which is in the forefront of technological development, could not sacrifice them because our rocket people were being left behind somewhat. And in fact in the years since then, I might add as chairman of the Subcommittee on Space, I have moved to ensure, and we had a pretty wide coalition behind this, to make sure that America's space delivery systems will outcompete any in the world and we are well on our way to developing new space transportation systems that will leave the old systems and our competitors overseas in the dust. But that is a few years down the road. But even then I might add when our systems are better, we will still be in jeopardy from a missile launched from China at the United States.

Mr. Speaker, later, after the satellite manufacturers were able to receive the permission to launch on foreign launchers, they went to what is called the Long March Rocket in China when they wanted to launch in China. The Long March Rocket is the mainstay of the Chinese rocket industry. Unfortunately, the Long March Rocket blew up often.

Mr. Speaker, I would like to just ask for one moment. I have been struck with some hay fever or a cold in the last two days and it seems to be getting to my throat so I will try to get through this text.

The Long March Rocket was being looked at by the satellite manufacturers of the United States as a way to put

up their satellites, but this Long March Rocket blew up; three out of four Long March Rockets ended up blowing up. In fact it blew up more than it went up, as we like to say. And the insurance cost on putting a satellite that costs tens of millions of dollars on a Long March Rocket became prohibitive because the satellite makers could see that the chances of it blowing up were rather high.

By the way, those of us in Congress who approved of the idea of launching on foreign rockets understood this when that approval was given. There was never a hint anywhere along the line or in any legislation or by anyone that an American company had a right to transfer technology to the Chinese in order to improve the Long March Rocket. No one had suggested that. Everyone knew that was crossing the line. Yet American satellite manufacturers were faced with that dilemma. If they did not use the Long March, they would have to use the American rockets. The Chinese government supposedly did not want the American rockets and there were not enough American rockets around supposedly. But in my district they make the Delta rocket system. The only thing we are really talking about here is that if the Long March could not be used because it was too unreliable, it meant the cost of a launch would go up because there were more launches bidding for fewer missiles.

Well, instead of letting the cost go up, what it appears is that at least one, if not more, U.S. aerospace firms, instead of going to the United States and hiring American aerospace workers to do the job and to provide the rockets, these American companies passed on to the communist Chinese the know-how and the technology they needed to perfect their Long March Rocket.

Let us make this very clear. The alternative was using rockets that were produced in the United States, it would cost more money because American aerospace workers have a better product. They work harder. They are more equipped and they have got a better product. But yet instead of choosing the better product built by American workers at a higher price, these several companies, or maybe even just one company, but Americans, it appears may have chosen to perfect the Long March Chinese rocket rather than going with the Americans.

Thus, by making the Long March a more reliable space transportation system, these Americans at the same time were making the Chinese more capable of launching and delivering a nuclear weapon to the United States. The Long March Rocket has a history of misfires, explosions and unreliability. Today it is all different. Today there is an advertisement being run by the Chinese in Space News saying use the Long March Rocket and bragging about its reliability. That did not just happen. It was not a gift of the Tooth Fairy that permitted the Chinese to perfect the

Long March. They did not just think of it because a ray of wisdom just shown down into their heads from above.

The Chinese engineers and rocket builders were not struck with some brilliance that they did not have before. What likely happened was an American, probably an American from a large American aerospace company, helped them upgrade their missile even though that left the people of the United States vulnerable to an attack by a communist Chinese nuclear weapon.

I cannot think of anything more despicable. I cannot think of anything in my 10 years in this office, or even before when I was a journalist, that matches this. I cannot believe that an American would dream of doing such a thing. But we have to live with that now because the Chinese rockets now, there is a new generation coming out and we can guess whether or not they are equipped with this same new technology that was transmitted to the Long March. We do not know, but we are going to get what really went on, who made this transfer, we are going to get to the bottom of it.

Hughes Electronics denies that it transferred any technology to the communist Chinese, even though Hughes Electronics is involved with launching satellites over China and was involved with one satellite that blew up on top of a rocket. So Hughes Electronics totally denies this and we have to give them the benefit of the doubt until we find out otherwise.

Loral Space, however, it appears that they may well have been deeply engaged in this situation. Loral may have, because Loral makes satellites and was involved in this satellite launch in China that blew up, Loral engineers may have just rolled up their sleeves and just looked at it and said to themselves, well, this is an engineering project and looked at it as just an engineering project to help the Chinese and not even thinking about the national security interests of the United States. I hope that no one at Loral thought of the national security interest of the United States when this was done. Because if they did, if it even crossed their mind that the people of the United States might be put in jeopardy, what they were saying to themselves was, to hell with the people of the United States, I do not care if every man, woman and child is in greater danger because of what I am doing. We are going to make sure this project is successful and we are going to make our profit on this Chinese satellite missile deal.

So I hope they did not think that way. I hope it never crossed their mind. I hope they just coldly and calculatedly went forward on an engineering project.

Of course, and we can be happy for this, this did not escape the attention of American watchdogs when they noticed that the Chinese were being given new technology that enhanced their ca-

pability to deliver nuclear weapons. I mean, after all, we have got some Americans whose job it is to see that this does not happen in our government.

Well, this is where the story gets really ugly. It even gets worse if we think it could get worse. It appears that an investigation into this illegal transfer was thwarted when permission was granted by the President, that is President Bill Clinton, to export some of the technology in question. Again, we have got to confirm this. We have got to see whether or not that is actually the case. But it appears in short, that our President may have knocked the legs out from under an investigation of this high tech betrayal by an action that, in effect, was retroactively permitting the transfer of this technology by saying that it no longer is illegal to transfer the technology.

□ 1845

Again, this has to be confirmed. We need to know if this can be verified or not. Whether it is verified or not or whether Motorola or Loral or any other company transferred this technology, we are going to have to find that out, too. This is something that calls out for clarification.

This President may have made it impossible for our people to intervene to prevent the Chinese in the future, prevent them from acts of aggression without risking our entire population. What are we talking about now? The risk to our population.

A Chinese missile system before that was antiquated and blew up on the launch pad equipped with American technology, equipped with American guidance systems, control technology, staged separation technology, and even perhaps MIRV technology.

MIRV technology. Do you know what MIRV technology is? MIRV technology is a rocket that has gone into space, and our aerospace companies may have said we can get it into space, but it cannot spit out a satellite. So we are going to give them an MIRV technology that, once the rocket is in space, it can spit out the satellite.

MIRV technology. It is exactly the same technology that permits a rocket to go into space and spit out a nuclear warhead; not just one nuclear warhead, but multiple nuclear warheads.

This is technology built in the United States of America for our protection and to deter war for the Soviet during the Cold War, that may have been given to the Communist Chinese to facilitate the launching of satellites for profit by that company; and, in the end, we find out that it has given them the ability not just to launch the missile to the United States, but launch a missile carrying multiple warheads. We need to know this.

One engineer described it to me. He said, Congressman, the Chinese missiles were going up, this launch was going up, and it would explode. It would explode because they did not

have the stage separation technology they needed.

I looked at him, and I said, you mean it would go up and just explode before it goes into space? He said, that is right. And I looked at him and said, Red Chinese rockets exploding is a good thing. We like that. We like Communist rockets to explode before they get to their target. But I guess it is something that just no one had thought of in these companies, or whoever was giving this technology.

Now, this is the same administration, I might add, that thwarted the investigation into this or may have thwarted it; we will see about that. This is the same administration that thwarts our efforts right now to build a missile defense shield so that the United States can shoot down a missile that is launched at our country.

The Republicans and I do not want to be political here about it, because there are some Democrats that support an SDI missile shield as well, but Republicans have been trying to do this. This is Reagan's vision: Let us not build more missiles that carry rockets, that carry nuclear weapons.

Let us build a system instead, use the money that will build the system that will protect us against incoming rockets and incoming nuclear weapons. That makes all the sense in the world. Let us buy a shield rather than buy a sword. Now it is even more so that we even have a greater chance; it took a little longer than Ronald Reagan thought to build this thing, but we now have the capability.

If the Chinese would launch a rocket towards us, we would then have a way of stopping that rocket. Today, because this administration has put its thumb on missile defense time and time again, we do not have the ability to protect ourselves should the Chinese launch a rocket toward the United States.

To put this in perspective, there was a conflict about a year and a half ago in the Taiwan Straits, and the Red Chinese were shooting short-range rockets in the area of Taiwan. We took several carrier battle groups down there.

A noted Chinese general commented, well, the American people are someday going to have to decide between Taiwan and Los Angeles. His meaning was clear. That statement was never repudiated by the Chinese Government. They could launch one rocket to the United States and blow up Los Angeles, kill millions of people.

We do not have the ability to stop that now because the President will not let us build an adequate missile shield. Do you know what we would have to do? We would be faced with a choice of either retaliating and murdering, through a nuclear attack, millions of Chinese, most of whom love, probably love the United States and think of us as a good country, because their Chinese leadership is a dictatorship and holds them in a grip of tyranny. We would end up having to kill, we are going to wipe out Shanghai and

all those millions of people because Los Angeles was bombed? That would be our option? That is a terrible option.

Number one, the Chinese should not have the capability of hitting us with nuclear weapons. But number two, we should have a shield so that we can defend ourselves so we are not faced with that choice. Yet, the same administration that thwarts our investigation into the Communist Chinese, perfection of Communist Chinese rockets, now prevents us from building a system to protect ourselves against missiles.

We are going to face this situation, and this issue will grow and will do nothing but grow until we get these questions answered. But it should not escape the attention of the American people that President Clinton will be visiting Communist China, will be visiting Communist China at the end of June.

What has just been announced by the White House? What have they just announced that the President is going to bring to China and offer to the Communist Chinese dictatorship? He is going to offer them a new package of space cooperation.

Well, my colleagues, I am the chairman of the Subcommittee on Space in this body. It is my job to oversee American space policy. There is nothing that the United States will benefit from by establishing a cooperative relationship with China over space. They have nothing to share with us.

I believe that this is nothing more than an attempt by this administration to hide the fact that there has been even more technological transfers to the Communist Chinese that we do not even know about now. Why else are we going to China to cooperate with them in space? Space missiles, missiles launched that will launch satellites, can launch nuclear weapons to the United States.

Who paid for this technology, by the way, that the President wants to share with the Communist Chinese? Who invented it? The American people are being betrayed when their tax dollars are being used to build competing companies overseas. That is to say, the same truth as they are being betrayed when we give somebody who hates us a missile or technology for a missile that is aimed at us and armed with a nuclear weapon.

Most people who have been following these late-night speeches know that for 3 years, I have fought to prevent our patent laws in the United States from being changed in a way that would open up our country to wholesale theft. Multinational corporations during this fight that I had, because they were trying to change our patent law, these multinational corporations were lined up in favor of that change.

That change in the patent law would have exposed each and every one of our new technological secrets to our economic adversaries, whether it is the Chinese or the Japanese or whoever,

even before the patent to our inventors was issued.

After 18 months of someone that applied for a patent, his patent was going to be exposed to the whole world, even if he had not been issued the patent. I call it the Steal the American Technologies Act.

But do you know what? The American people rose up and we defeated that in this House. When it came to the floor, we were able to stop the worst provisions of that bill from becoming law, and we amended it with the amendment of the gentlewoman from Ohio (Ms. KAPTUR).

It went on to the Senate where it stuck in the Senate. Thank goodness it stuck over there. I do not know how we were able to do that. As the American people understand, it is technology that has given America the edge over the years to preserve the peace and to establish a place where people can prosper.

Ordinary working people can build lives of decency and clean homes and food, and people know that. They understand that it is technology, our technological lead that permits us, because people all over the world work hard. But it is here with technology and freedom that the average man can prosper and live a decent life.

In fact, there is no hope for anyone in the world, anyone who suffers under tyranny or deprivation unless America stands tall and America is strong. It is upon our shoulders that the future of mankind depends. We must have strong shoulders. We must have bright minds and strong shoulders. We must use our minds and use our strength to build a great Nation that will be the hope of all mankind, because there is no hope for others unless America stands tall.

But the American people, these people on whom we rely and everything, everyone in the world relies, they have been taken for granted, and their interests have been ignored so many times in these last 10 and 20 years.

Our economic and government elite in this country act as if they do not have to care about the American people, because after all, we are a prosperous people, and they are the Americans, you know; and they buy into these arguments that we cause all the problems in the world. If we did not exist, the Hitlers and the Stalins and the rest of the petty dictators that still control China would be in charge of this whole planet.

Now our economic and government elite are building a new world order, a global economy, a perfect planet run by multinational organizations like the United Nations and the World Trade Organization, et cetera, et cetera. These are the people who should be watching out for our interests but, instead, are building this global vision.

For one reason or another, it does not make any sense to me, and I do not think it makes any sense to most people. Count me as a patriot. Our goal

should not be to make America like the rest of the world. Our goal should be to stand out from the rest of the world as an example of freedom and justice and opportunity and progress, an example that the rest of the world would want to follow.

The last thing, like in the patent law, what do they want to do to the patent law? They wanted to take the high American standards that protect the average person out there when he invents something and lower that standard to the world standard. That is what they wanted to do.

They wanted to make lower the American standard so that our people, our people then will see their rights diminished in order to harmonize the rights of all mankind. That is baloney. It is baloney. We should not be lowering our standards. We should be proud of our standards and proud of what we have accomplished as Americans.

We should not be signing treaties and trade agreements that let a country, a Communist country in particular, a dictatorship in particular like China, have an unfair trade advantage which yields them \$50 billion every year because they flood their goods into our market at a lower tariff and our goods come in at a very high tariff. Who is watching out for our people?

It was the commitment to freedom of the American people that saved this planet throughout this century. If people want to talk about globalism, let them start talking about globalism and realize that the foundation of globalism has to be a strong United States of America and a citizenry of our country that is proud of liberty and justice and American traditions and will fight for the right when necessary; not an America, instead, where the American people are stooped and made to believe that our government is secondary to some other world body.

World War I, World War II, and the Cold War, if it was not for the Americans who stepped forward during these challenges to mankind, our planet, as I say, would be dominated by tyrants and despots and petty little gangsters.

The Cold War and what permitted us to win those wars, yes, it was the courage of our people, the faith that we had, our determination, our belief in freedom, and it was also won, especially the Cold War, was won by American technology and, yes, by the American aerospace worker.

We did not take the Communists on man for man. No one ever dreamed of taking the Communists on man for man. We would have lost hands down. We would have been unnerved. But we were technologically superior, not only in the weapons area, but in the production of wealth.

I will never forget when I visited the Soviet Union in 1986. I worked for Ronald Reagan in the White House. It was the first thaw during the time when Gorbachev took power in Russia.

□ 1900

And I went there and I could not figure out what I wanted to bring, but I

decided that I would bring a jar of peanut butter because I found out that they do not manufacture peanut butter in the Soviet Union. Imagine that. We were afraid of a country that could not even make peanut butter.

At the right moment, there were a group of young people there, and I took the jar out and I asked them if they would like to have a taste of America; see what America really tastes like. A couple of them stuck their fingers in. Now think about it; they had never tasted peanut butter before. And they said, oh, peanut butter. America is wonderful. Wonderful.

Then one came up to me after they huddled and they said, what are those marks on the side of the peanut butter jar? I said, well, that is the bar code. That is where the computer at the food store gives the customer a bill that is itemized, the price of the products on the customer's bill, and then notifies the inventory that an item has been sold. They huddled back up and talked about it, and then the Russian kid came up and said to me, that is why we do not trust Americans. They are always lying. Computers at a food store? Who are you kidding?

Well, at the Russian food stores they were using abacuses. They probably still are. And all the computers were used by the military. All of their computers were left for the military use, and that society was going down because they could not produce the wealth that was necessary to sustain after modern technological society. We won the Cold War when those people realized they were going to be left in the dust.

Now, the aerospace workers that gave us the edge in weaponry and built the weapon systems that deterred war, well, those people who are still in the aerospace business making rockets to send things into orbit are part of a very honorable profession. They are not building rockets to drop nuclear weapons; they are building rockets to send things into space. And for our companies just to try to bypass them and to go over and use some sort of slave labor in China is again a betrayal of those aerospace workers who saved us during the Cold War. These people build the best product. They do not deserve to be taxed and have our technology given to their adversary.

That is exactly what is going on here. This has been a betrayal, however, that does more than put aerospace workers' jobs in jeopardy; it puts us all in harm's way. And as I say, this is the same President who, perhaps, has thwarted, and we are going to find out if he did or not, this investigation into giving away of America's technology. This is the same President that has been thwarting our efforts to build a weapon shield.

Well, what we gave China—what we gave? What those people. Not "we" anymore. If they gave this away and put us in jeopardy, no American should call them "we" anymore, because they

put themselves outside this family of people who believe in freedom and democracy if they have done something like that. We will move to protect ourselves. We will build a nuclear shield, because we can never take back this technology that we gave to technology.

Technology and freedom are two of our mainstays, and with technology and freedom we will live the dream of our Founding Fathers. We will continue to be the world's greatest democracy. We will continue to live in prosperity, and we will continue to live secure in our homes and families from the threats of foreign tyrants.

Now, let me summarize, as I come to a close tonight, and this is coming to the close of my hour, so I will discuss just what have we discussed tonight.

It appears that at least one American company, perhaps more, have transferred technology to the Communist Chinese that now permits them to hit the United States with nuclear weapons. President Clinton may have undercut an investigation or a prosecution into this betrayal.

The word is getting out, but the American people need to know the facts about this and we need to know the facts about this before the President's upcoming visit to China. The President should not stand in Tiananmen Square and make a joke of human rights by mentioning it at the same time that he completely ignores the massive violations of that regime and pushes for more and more trade and more giveaways to the Communist Chinese.

We must put the President on notice that, in his relationship with China, first and foremost he must be consistent with our American ideals of freedom and democracy and human rights. And even beyond that, he must make sure that he is watching out for the safety of our people, for the safety of the people of the United States of America.

I know all of what I have said is unnerving, and I can guarantee that there are people in this town who are committed to setting this situation right. I believe and am assured, and others can be assured as well, that the patriots who love this country will prevail.

OMISSION FROM THE CONGRESSIONAL RECORD

A portion of the following was omitted from the CONGRESSIONAL RECORD of Tuesday, May 5, 1998 at page H2802 during the special order of the gentlemen from Oklahoma (Mr. ISTOOK).

FREEDOM OF RELIGION

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 1997, the gentleman from Oklahoma (Mr. ISTOOK) is recognized for 60 minutes.

Mr. ISTOOK. Mr. Speaker, I appreciate the opportunity to speak to the

House and other citizens about a major issue which we will have on the floor of this body in 1 month.

Mr. Speaker, we have a great reverence and respect in the United States of America, and properly so, for the Constitution that was assembled and ratified by the States some 200 years ago, and the very first liberty that was put in the Bill of Rights, added to the original Constitution, is religious freedom.

The first amendment begins, Congress shall make no law respecting an establishment of religion or prohibiting the free exercise thereof, and with those plain simple words the Founding Fathers intended to establish two basic simple concepts. First, that this land would not have any official church so designated by an act of the Federal Government; secondly, that we would have the maximum of religious liberty in the United States of America.

Why did so many people come to this country if not seeking a land where they could freely exercise their religious beliefs and where they could exercise it right next to someone who might have some differences of faith but who would have not only a tolerance but a respect for those differences; who would say to one another, you may have your belief and I may have mine, and we believe that all men have a God-given right to acknowledge God according to the dictates of their own conscience; worship who, where, or how they may, and we respect that right, and we are not offended by the fact that someone may have a differing religious belief.

But, Mr. Speaker, it started 36 years ago that the Supreme Court took that very plain and simple language, that very plain and simple meaning, and they started to twist it, they started to distort it, they started to make misdirected rulings and basically said that if you are on public property, like a school, if you are on public property and you engage in an act of prayer or other religious expression, that that is the same as if this Congress had said that we are going to select for the American people what their faith must be. They said basically that an individual or a group of people coming together when they are on public property is the same as telling people what their beliefs must be as establishing a national church, an official religion. They are not the same thing at all.

But in 1962 the U.S. Supreme Court ruled that even when, even when students voluntarily choose to recite a prayer together, even when there was no compulsion that was involved, that was unconstitutional. And so began the controversy that has continued for a generation over voluntary prayer in public schools.

It has gotten so bad, Mr. Speaker, that the add-on decisions from the U.S. Supreme Court just made it worse. For example, in 1985, and Mr. Speaker, this was a decision that came from your home State of Alabama; the State of

Alabama had passed a law that said, well, the Supreme Court says we cannot have vocal prayers by groups of students in public school, but we will permit students to have a moment of silence. A moment of silence was permitted by the Alabama law, and in 1985 the United States Supreme Court, just across the street from the Capitol building over here, the United States Supreme Court said permitting a moment of silence was unconstitutional because it could be used by students for silent prayer.

Now I thought the Constitution at least guaranteed the right to remain silent, but not if you are using that silence in a school to offer a prayer. That was the U.S. Supreme Court. That is part of the warped rulings that have so twisted the first amendment that people cannot recognize the results that are achieved under it.

In 1992 they said if it is at a public school graduation, if there is a prayer there, that was unconstitutional because, and this case was from Rhode Island and it was a rabbi that was asked to offer the prayer, but because students were expected to be respectful of the prayer, just as they were expected to be respectful of the other things that occurred during the graduation.

Because they were expected to be respectful, the Supreme Court said, oh, no, having a prayer at graduation of school; my goodness, that too is unconstitutional because some students might think that just by being silent, others may think that they are joining in the prayer. And therefore to protect them, no matter what the majority wants, no matter how it steps upon and stomps upon the beliefs and the wishes of other people engaging in free exercise of religion and free speech, the U.S. Supreme Court said the prayer at that graduation was unconstitutional.

And there have been other decisions. In 1980, out of Kentucky, the Supreme Court ruled that to permit the Ten Commandments to be posted in a public school was unconstitutional.

Now, Mr. Speaker, I know the Ten Commandments are the basis of our laws. They are the starting point for the laws not only in the U.S.A. but in so much of the entire world, and they are common to many different cultures and to different faiths. But the U.S. Supreme Court said they cannot be put on the wall of a public school.

And yet here in this House Chamber I see right before me, right before my eyes as I face the opposite wall, Mr. Speaker, is the large bas-relief, the image, of Moses, the great law giver, the one who brought the stone tablets down from Mt. Sinai with the Ten Commandments written with the finger of God.

The walls of the Supreme Court have the Ten Commandments depicted upon them.

We open sessions of this Congress, Mr. Speaker, with prayer.

The U.S. Supreme Court opens with "God save the United States and this honorable Court."

And we have right above your head, Mr. Speaker, the words that we find on currency in America, "In God We Trust." And do you know that is under attack? There are people who want to take that off currency.

And let us take the State of Ohio. Ohio has a State motto, and it is kind of akin to ours, of "In God We Trust." Theirs is, "With God All Things Are Possible." They are being sued right now, Mr. Speaker, to stop that from happening. They are being sued by those who say, oh, you cannot say with God all things are possible in a public setting that involves public property, such as the grounds of the State capital of Ohio or anyplace else where they may want to put their State motto.

And the ACLU is suing in West Virginia to stop prayers at high school football games, and we have communities all over the country that have different suits pending. For example, I was reading one today, a community near Kansas City, Missouri, and in that community one of the emblems on their city seal is a fish, and the ACLU is saying oh, my goodness, that is one of the emblems of the Christian faith, so let us have it taken off.

Where will this intolerance stop? When will it end? When will the faith of the American people be able to be expressed freely? When will the Supreme Court stop things such as this and their rulings against nativity scenes, menorahs? Just came down a number of years ago, came out of Pennsylvania, at the courthouse there, I believe it was Allegheny County in Pennsylvania, and they had, among different holiday displays they had a nativity scene, they had a Jewish menorah, they had other things, too. But the Supreme Court said it is possible to look at that nativity scene and see it by itself and not notice the other secular emblems that might be on display. And they said if you have a display such as that, you have to balance it with Santa Claus, plastic reindeer, Frosty the Snowman. It is what we call the plastic reindeer test, except now the courts, they had a Federal court ruling in New Jersey just this last December saying, well, even though you have balanced a nativity scene with other secular emblems, Santa, Frosty, and so forth, no, the nativity scene still must go because it is too powerful, and it is more powerful than the secular emblems.

I am tired of all that. I am tired of that and so many other cases that I can describe, whether it be from the Supreme Court, the Federal appellate courts or the Federal courts, or whether it be the intimidation that it creates where schools say, my goodness, we have got to really, really stay away from anything, even if it is legal, because we do not want to get sued and we do not want to have these huge legal bills.

And every year, and it is about this time that probably there are letters

going out again that the ACLU and their fellow believers, I guess, send out letters to schools saying, "Don't you dare have a prayer at your graduation unless you want to be sued."

I remember the case in Texas, in Galveston, at I believe it was Santa Fe or Santa Fe Ball High School at Galveston where a Federal judge told them, "Well, because of another court ruling, I'll let you have a prayer at graduation if the students insist on it, but I will have a U.S. marshal there, and that U.S. marshal will arrest anyone if they mention the name of Jesus Christ as part of that prayer."

□ 2115

He said that on the record. There is a transcript of it that the Federal judge said that.

Mr. Speaker, I have to come back to the gentleman's home State of Alabama. Alabama is suffering under an order from a Federal judge right now that was issued last year from Judge Ira Dement, and Judge Dement's order has really taken things to a new height.

I want to share some of the words that Judge Dement has written in a ruling that was issued just a few months ago, as requested by people who wanted to stop prayer that they were still having in some schools in Alabama in different settings. And this is what Judge Dement's order says: He said, The schools there are permanently enjoined from "permitting prayers, biblical and scriptural readings and other presentations or activities of a religious nature at all school-sponsored or school-initiated assemblies and events, including, but not limited to, sporting events, regardless of whether the activity takes place during instructional time, regardless of whether attendance is compulsory or noncompulsory, and regardless of whether the speaker or presenter is a student, school official, or nonschool person."

Regardless of the circumstances, at any time, whether it is during class time or not class time, whether it is on the school grounds or off the school grounds, whether one has to be there as a student or one does not have to be there as a student, if there is a prayer from anyone, the judge said, they are going to answer to him.

Mr. Speaker, he is not kidding. He has, at the expense of the school system, hired monitors to patrol the school and the hallways, and they have had student after student after student after student be expelled because they do not believe a Federal judge should have that much control over their freedom of speech and their freedom of religion. And if a group of students want to get together and they want to have a prayer, then why is it that only the opinion of the one that does not like it is the one that counts; and the opinions of those who want to have a prayer, their opinions are ignored?

Mr. Speaker, in addition to prayer, we start sessions of this House with the

Pledge of Allegiance to the flag of the United States of America, and to the Republic for which it stands, one nation, under God, indivisible, with liberty and justice for all. And Mr. Speaker, the Supreme Court made a proper ruling in relation to the Pledge of Allegiance. The case came out of West Virginia.

The Supreme Court said, no student can be compelled to say the Pledge of Allegiance, but they did not give a student that did not like it the right to stop their classmates or censor their classmates who wanted to say it.

Mr. Speaker, that is the standard we ought to be applying to school prayer. Nobody should be forced to participate, of course not. But that does not give them the right to show their intolerance by trying to censor their classmates that may want to say it.

Mr. KINGSTON. Mr. Speaker, will the gentleman yield?

Mr. ISTOOK. Mr. Speaker, I will if the gentleman will let me make one point first, and that is simply the point to which I am building, that we have to do something about it.

We are going to be having a vote in this House in a month on doing something about it, and it is called the Religious Freedom Amendment, to make it possible for students to have prayer in public schools, to make it possible for the Ten Commandments to be displayed, to make it possible to have holiday displays, recognizing the religious traditions or heritage or beliefs of the people, and to correct the abuses of our first amendment, the beautiful language of the first amendment which has been corrupted by the Supreme Court.

I would be happy to yield to the gentleman from Georgia (Mr. KINGSTON).

Mr. KINGSTON. Mr. Speaker, I thank the gentleman for yielding.

As the gentleman knows, I am a co-sponsor and have plans to support the gentleman's amendment and congratulate the gentleman who, over the past now, 4 years now, correct?

Mr. ISTOOK. Mr. Speaker, I believe it is 3 years. Well, closer to 4 now, the gentleman is correct.

Mr. KINGSTON. Four years to get this done, and I do not think anyone would ever have anticipated how long it would take to get this to the floor, particularly when we have so many Members of Congress on both sides of the aisle who have sponsored, in some form or the other, school prayer, voluntary school prayer amendments.

I do have a question, though, that has been raised by some people in my district that have expressed some concerns, and I think I mentioned some of them to the gentleman.

In the case of a classroom, as I envision this, say first period in the morning, after rollcall, whatever, should a student lead a school prayer, he or she would have a right to, after the Religious Freedom Amendment is adopted by the requisite number of States, correct?

Mr. ISTOOK. Yes. This would not permit government to tell them that they must pray, it would not permit government to tell them what the content of the prayer would be; but absolutely correct, I say to the gentleman, it would permit students to initiate prayer as part of their school day when they start it. Or it might be the school assembly or it might be a football game or graduation or some other school activity. The point is, it would be a permitted activity, but never compulsory.

Mr. KINGSTON. Mr. Speaker, what would keep a teacher from salting the group for one particular religion over the other or encouraging the favoritism of one religion over the other?

Mr. ISTOOK. Certainly, Mr. Speaker, I think that it is interesting that, of course, people are concerned that we do not use the pressure or influence of government to try to tell them what their faith or what their religion should be. And, of course, government might act through Congress, it might act through a school board, it might act through a principal or a teacher. The key there is to make sure that we reinforce the prohibition on government acting to compel anyone to be engaged in any particular religious activity.

I think the best way that we can focus upon that is by looking at the text of the Religious Freedom Amendment, which is the proposed constitutional amendment. Let me share it. I think the text itself helps to answer your questions.

The text of the Religious Freedom Amendment, which is House Joint Resolution 78, reads as follows:

To secure the people's right to acknowledge God according to the dictates of conscience, neither the United States nor any State shall establish any official religion. But the people's right to pray and to recognize their religious beliefs, heritage or traditions on public property, including schools, shall not be infringed. Neither the United States nor any State shall require any person to join in prayer or other religious activity, prescribe school prayers, discriminate against religion, or deny equal access to a benefit on account of religion.

So we have, several places in the amendment, placed language meant to safeguard. For example, we have the language, "according to the dictates of conscience," which parallels language that is found in a number of State constitutions, to make it clear that the rights of an individual conscience remain inviolate. We do not want to step upon anyone's. We have the requirement that we do not require any person to join in prayer or any other religious activity, and we do not have a government prescription that a prayer must occur, nor what the content should be.

So it really goes back to the principle that is followed in schools in so many other ways, and that is, they provide students an opportunity to take turns so that it is not just one type of prayer or one particular faith's way of

saying a prayer that is heard, but different people will have their opportunities on different occasions.

Mr. KINGSTON. Mr. Speaker, let me ask the gentleman this question, which is less than friendly.

Mr. ISTOOK. Okay.

Mr. KINGSTON. Mr. Speaker, if we have a minority religion in a group, say the predominant members of a class predominantly are Christian, Jewish and Muslim, and we have another child out there who is 7 years old, and we are going around the circle with the Big 3, but he has some obscure religion. I do not know what would be an example; say he is a Zen. How do we keep that 7- or 8-year-old from being proselytized by the other religions because he is going to be a little bit embarrassed to stand up for his religion because of peer pressure? At that age, nobody has the fervency of their convictions, but children know what the majority is doing and in order to fit in, often they want to do what it takes to fit in with the majority.

Mr. ISTOOK. Certainly.

Mr. KINGSTON. So, Mr. Speaker, they do not have that spiritual maturity that would allow them to tolerate it and say, well, let us go ahead and have that person's prayer today.

How would this deal with that?

Mr. ISTOOK. Sure. Certainly we recognize that different children will have different levels of maturity; and it is not something, of course, when we talk about people that may feel sometimes like they are not necessarily part of a group, it may not be religion. It may be how people dress, it may be how people look, it may be how people talk, it may be the shoes they wear, it may be what type of music they choose for listening. It can be all sorts of things.

I think that we do a disservice if we say that we know that children are going to have differences among them in other respects and that part of learning and part of growing is understanding that there are differences and learning to cope with those, but if we set apart religion and say, but if it is a religious difference, that is somehow a threatening topic, and that we must protect children from knowing that there are some differences.

I think we need to look at the words of a Supreme Court Justice, Potter Stewart. I am going to paraphrase him; I have the exact quote, but not in front of me.

When he was talking about this discussion, when he dissented from what the Supreme Court did, from what his fellow justices did, and he said several interesting things. One of them was that we cannot expect children to learn about diversity, to learn that different people will have different beliefs and different faiths, if we try to isolate them and shield them from that knowledge until they are adults, as though it were some type of dangerous activity or something that is reserved for adults. If we do that, he says, we will foster in people the belief that this is

something that is threatening, that it is something that needs to be pushed aside and pushed away or kept in a corner, rather than something that should be understood.

Basically, we are teaching intolerance at an early age if we tell people it has to be suppressed rather than respected when they have those differences, and that is where the schools should properly show the proper respect, whether they say, well, different people have had a chance and this person does it a little differently and we ought to respect that and learn from it. That is how we learn tolerance and diversity.

Mr. KINGSTON. Mr. Speaker, on that subject, let us say we have somebody who is a goat worshiper.

Mr. ISTOOK. I am sorry?

Mr. KINGSTON. Mr. Speaker, a goat worshiper, a devil worshiper or a bizarre type of religion. Now, they want to have equal time. Do we want our child in the room when that prayer is taking place? That would probably, it might in a Christian parent cause a little concern, the same way it would cause the goat worshiper's parent to have concern when the Christian prayer is going on.

Now, I only say that to the degree that, as our society gets more and more diverse, it is reasonable to expect in a country of 260 million people some folks who are in a very minority, extreme minority-type religion who pray perhaps in a bizarre way; and by that I mean, maybe they do not bow their heads when they pray, maybe they scream or something. And I am only phrasing this question in a hypothetical right now, but it is still very possible for some fringe religions to get under the Religious Freedom Amendment equal time in the classroom, so to speak, and it is fair, the way the gentleman has bent over backwards to draw this thing so fair that it will happen.

How does the gentleman answer those concerns?

□ 2130

Mr. ISTOOK. Mr. Speaker, I think the first thing of course that we all need is perspective on it, because frequently I find that some people want to construct what they think is a trap. They will first say, oh, the Religious Freedom Amendment is only meant to enthrone the rights and the beliefs of a majority of Americans, and therefore to suppress those who may not be among the majority in their beliefs. They are wrong in what they assert because obviously we are trying to be evenhanded.

Then they take the other side of the argument and they say, oh, well, if that is the case then it is also bad because there may be some people, such as the gentleman described, whose practices are distasteful to others. And, therefore, they say no matter which way we go, they are against it.

The real agenda of course of such persons is they just are not tolerant to-

ward other people's faith in prayer, whether in the minority or majority. But in a situation such as the gentleman described, the perspective to understand is that there may be some very rare and isolated occasions when someone may wish to offer a prayer that others will find distasteful. But should we say that because there will be very, very rare occasions of that, therefore we must suppress and stifle and censor the millions and millions of positive, uplifting prayers of hope, of vision, of seeking for faith and seeking for guidance in the day?

It is sort of like having free speech in our society. In fact, it is a parallel to free speech in our society. We all recognize that part of the price of free speech is there will be occasions when someone does not go into the bounds of pornography, which is illegal, but does get into the bounds of tastelessness and offensive speech that nevertheless we recognize is protected.

The same is true of religious expression. And I would submit that actually the cases such as the gentleman has described of someone who has something that is distasteful to others, and of course they can choose if they wish, if something is that distasteful to them, if they want to leave the room or something that is fine. Like I say, it would be a very, very, very rare occasion.

But those cases usually have already been protected by Supreme Court decisions. There is one, for example, protecting the Santeria religion that involves animal sacrifice. I believe the case involved the City of Hialeah, which said a community could not outlaw the way they were killing animals as part of their sacrificial rituals because that was protected by freedom of religion. That is under the First Amendment as it is now.

But the same Supreme Court does not wish to protect majority faiths. They have ruled against a cross, for example, in a city park in San Francisco that has been there for 65 years. They say that has to come down, a cross being included among numerous symbols on the seal of the City of Edmond, Oklahoma, in my district, similar rulings in Oregon and Hawaii, in Stowe, Ohio, against the inclusion of a Christian emblem among multiple other emblems and they say that is unconstitutional, yet that same Supreme Court has said that a Nazi swastika is constitutionally protected. That was in a case in Skokie, Illinois, where the American Nazis were walking through the street with the swastika and the Court ruled that the symbol of hate is constitutional, but the symbol of hope is unconstitutional.

Mr. KINGSTON. Mr. Speaker, there is no doubt in my mind that there is a special place in hell for a number of Federal court judges, as I am sure there will be for Members of Congress.

Mr. ISTOOK. Let us hope that there are some special places above for many of us as well.

Mr. KINGSTON. Probably plenty of room for judges and congressmen and many others.

Who will decide if the school puts up the Ten Commandments or the Articles of Goat Worship? The reason I ask that, yesterday I was at the dedication of the Coastal Middle School in Savannah, Georgia. I was at the dedication of the Freedom Shrine, which the Chatham County Exchange Club has given to many, many schools, and it is a great thing and it has the Constitution, the Declaration of Independence, George Washington Inaugural Address and all sorts of good documents of American history. And as I was looking at the Freedom Shrine I was wondering how do they decide which documents go? Do you put the Gettysburg Address in there or Lincoln's second inaugural speech?

Mr. ISTOOK. A beautiful, moving document.

Mr. KINGSTON. Yes, so those judgments have to be made, and the Chatham County Exchange Club does that. I do not know how they do that, but they do it. But who decides if the Ten Commandments gets put on the wall or the Articles of Goat Worship?

Mr. ISTOOK. I think this is an interesting question, and I think that the issue is really freedom. Frankly, that it is not our job to make those decisions from Washington, D.C. Those decisions for a local community can be made in a local community, so long as they are not trying to establish or endorse a particular or official religion. So I do not think that the Congress of the United States should even attempt, and I do not think it is our place to try to say court houses in Georgia, in Colorado, in Alabama, in Oklahoma, in California, or any place else for the United States Congress to establish the standards of what can be put on the walls of county court houses or city halls all around the country, nor do I think it is the role of the U.S. Supreme Court.

In other words, we have bodies that make those decisions right now. People made the decision what art work is going to hang in the Chamber of this Congress. That decision included the visage of Moses and there are also the images of a couple of popes, as I am sure the gentleman is probably well aware, among people with legislative or legal significance.

So when we are asked the question who decides, I think that is going to be basically an issue of who is involved in that community or in that State, if it may be a decision that involves the State facility, and of course then when it becomes a national facility, we have the Ten Commandments depicted in the U.S. Supreme Court Chambers, and that is a decision for the U.S. Supreme Court. What is in the Chambers of Congress is a decision for Congress. We have different Federal agencies, State agencies and local ones.

I think what we have to do is get away from this "big brother" notion

that says that the Supreme Court is the fount of all wisdom and it should describe standards and everyone else has to follow those standards before they can hang something on the wall. The test should not be whether we have hung something on the wall which everyone likes or some people like and others do not like. The test should be did we actually take some action that truly tries to make people follow a faith selected for them as opposed to choosing to put up something that was significant to the religious traditions, heritage or beliefs of that particular community, which obviously will differ in some places around the country. That is called diversity.

What we have to do is to get away from this terribly false politically correct notion that we cannot do anything unless everybody agrees. If we are told that if we say or do something which may give offense to another, and the problem may be in their thin skin, not in what we set out to do or to express, but if we are told that only if everybody agrees with something that is the only circumstance when we can utter it, that is a totally false standard. That flies in the face of the concept of freedom. It flies in the face of free religion, it flies in the face of free speech, and yet that is increasingly what we are being told that everyone, everyone must stifle and suppress their religious expression and their religious beliefs and accept muzzling and censorship of it just to make sure that there is not one person sitting there that chooses to take offense.

It is about time that we understand that the intolerance frequently is not on the part of someone that is voicing a religious opinion. The intolerance is on the part of the one who wants to shut them up.

Mr. KINGSTON. Well, let me ask the gentleman this question. This is endorsed by a number of Christian groups.

Mr. ISTOOK. And those of many other faiths as well.

Mr. KINGSTON. The gentleman has worked hard with such groups. Can the gentleman tell me the non-Christian groups who are supporting this?

Mr. ISTOOK. I do not have the full list with me, but for example we have an organization of Jewish rabbis which is called Toward Tradition.

Mr. KINGSTON. Is the Jewish rabbi group, is this a large group or an outsider group?

Mr. ISTOOK. I do not know the actual number of how many hundreds or thousands of rabbis are in this particular organization. It is a national organization of rabbis. The American Conference of Jews and Blacks, the American Muslim Network, those are some of the non-Christian groups. And of course there are many that are Christian groups, and we would expect that of course because that is the faith of most Americans.

Mr. KINGSTON. Does this religious freedom amendment have a web page, a freestanding web page?

Mr. ISTOOK. It certainly does.

Mr. KINGSTON. Because I think if people want to have some of these questions answered, and I know the gauntlet the gentleman has gone through in the last four years, having answered just about every question that has ever been raised on this, but not everybody has heard the questions or the answers.

How do they find this out? How do they find out some non-Christian groups that are endorsing it?

Mr. ISTOOK. Mr. Speaker, I very much appreciate the reference there. The web page that we have established for reference is religiousfreedom.house.gov., and I should caution people, do not put a www in front of it, or they will get a totally different web page. But it is religiousfreedom, all one word, religiousfreedom.house.gov.

There, as the gentleman is aware and I appreciate him pointing it out, we have a wealth of information. Detailed legal analysis and going through different Supreme Court decisions and other decisions and citing this. Copies of many of the endorsement letters that we have received. Papers discussing how does this fit in with the notion of separation of church and State. How does it fit in with the claims different people make about well are we a captive audience to this? All of these different questions that are sometimes posed are discussed and answered at that web site. So it is a great resource that people can utilize to get more information. We even have made it easy for people to download and if they want to copy and distribute documents as handouts to other people, it is a very useful place.

Mr. KINGSTON. If they have a particular question, they should first search the web page and then if they cannot find their question and answer they need to contact the office of the gentleman from Oklahoma (Mr. ISTOOK).

Mr. ISTOOK. Correct. And we have an e-mail set up on the web page for that.

Mr. KINGSTON. Mr. Speaker, could the gentleman give his address for people who do not have computers.

Mr. ISTOOK. Mailing address? Certainly. They can reach me, and the last name is spelled I-S-T-O-O-K, Congressman Istook at 119 Cannon House Office Building, Washington, D.C. 20515.

I would like to take a moment to mention a couple of other aspects about the religious freedom amendment because as the gentleman from Georgia knows, this has not been a lightly pursued undertaking. It is only because it has been 36 years now since the Supreme Court rendered its original decision suppressing prayer in so many circumstances in public schools and all the other approaches have basically been tried and exhausted and the route of the constitutional amendment is the only one left to be workable.

But we have tried to make sure as we mentioned before, frankly. There is

more language here to safeguard against any effort at government control of religion, there is more text in the amendment devoted to those safeguards than there are to express that students should have the right to pray in public schools and that the religious traditions or heritage or beliefs should be something that could be freely expressed.

I, like so many other parents with children in public school, have gotten sick of looking at all the times when we go to school, we think it is going to be a special occasion, maybe it is a special school activity or pageant in December. They have the school choir and we say, well, they are going to sing some different holiday songs. We hear "Here Comes Santa Claus" and "Walking in a Winter Wonderland" and "Rudolph" and "Frosty the Snowman," but we do not hear "Silent Night" or "O Come All Ye Faithful" or Jewish Chanukkah songs, and it is because of the fear of lawsuits and in some cases actual court decisions that have gone that far.

The U.S. Post Office a couple of years ago took down the banners that said Happy Chanukkah or Merry Christmas in the Post Office.

□ 2145

They will not let those be displayed anymore. They had to fight with some people to keep issuing the Christmas holiday stamps.

Take the Internal Revenue Service. One of its big offices in California issued an edict to all of their workers saying, on your own desk and in your personal work space, you cannot have any type of religious item or symbol. It might have been a Bible. It could have been a Star of David. It could have been a little nativity scene, a picture of Christ. Whatever it was, they said those were taboo. They cannot be there on your own desk.

I wrote the IRS, and I have said, why have you done this? They sent back a letter to me. They said items which are considered intrusive, such as religious items or sexually suggestive cartoons or calendars must be prohibited. That was their full description of the restricted items, a religious item or something that is sexually suggestive.

Mr. KINGSTON. This was the IRS?

Mr. ISTOOK. This was the Internal Revenue Service.

Mr. KINGSTON. They are doing such a good job on tax simplification and tax clarity that they have enough time to worry about something that is offensive.

Mr. ISTOOK. Yes. The ones that they categorize as offensive, if it is a religious symbol or if it is sexually suggestive or pornographic. But do you see the connection? Why do they lump a religious item or symbol in the category of things that are offensive to people? That is exactly what they have done. They treat it as something that is suspect or something that is dangerous, which is wrong to do.

Mr. KINGSTON. If the IRS is cracking down on people posting things that are offensive to most people, then obviously, you cannot put up an IRS sign, because that is far more offensive than most of the other items that they are talking about.

Mr. ISTOOK. Maybe they should have banned an emblem of the IRS itself since that is, as you point out, offensive to many people.

But that is such a dangerous trend. But you see, it is not only the IRS. If you read the Supreme Court decision in the case of *Lee v. Weisman*, that is the graduation prayer case, in it, Justice Kennedy, writing on behalf of the Supreme Court, says, Assuming as we must that the prayer which the rabbi offered at the graduation was offensive, so the Supreme Court said we must assume that a prayer at a public school graduation is an offensive act. Four of the justices disagreed. It was a 5 to 4 decision.

Mr. KINGSTON. What year was this?

Mr. ISTOOK. This was 1992. In this particular case, and I would like to read something from the words of the justices who disagreed with what their brethren on the court had done. The four justices who dissented from this were Scalia, Thomas, Rehnquist, and White. Let me read what they said. This goes back to something that the gentleman from Georgia asked before about what happens when we are able to recognize, yes, we have got some differences of opinion among religion, and it is not a threat to anyone.

This is what those four justices, Scalia, Rehnquist, White and Thomas wrote in their dissent in *Lee v. Weisman*, and I quote now their words: "Nothing, absolutely nothing is so inclined to foster among religious believers of various faiths a toleration, no, an affection for one another than voluntarily joining in prayer together to the God whom they all worship and seek. Needless to say, no one should be compelled to do that. But it is a shame to deprive our public culture of the opportunity and, indeed, the encouragement for people to do it voluntarily. The Baptist or Catholic who heard and joined in the simple and inspiring prayers of Rabbi Gutterman on this occasion was inoculated from religious bigotry and prejudice in a manner that cannot be replicated. To deprive our society of that important unifying mechanism in order to spare the nonbeliever what seems to be the minimal inconvenience of standing or even sitting in respectful nonparticipation is as senseless in policy as it is unsupportable in law."

So they were talking about what we were discussing before, that the act of people of different faiths sharing a common respectful experience creates, as they said, not just a toleration, but an affection for one another and an appreciation of what we have in common, because it emphasizes the things which we share, rather than emphasizing the ways in which we differ.

Mr. KINGSTON. Now, I want to ask another question, though. You say in some of your frequently asked questions that the Religious Freedom Amendment does not permit teachers or any other agent of the government to proselytize or to dictate that any person must join in prayer or to prescribe what prayer should be said. Where is that wording in here?

Then what would keep the teacher from praying?

Mr. ISTOOK. What we have here is a clear requirement, because a teacher, of course, as any person who is part of local government, is considered an agent of State government. That is a binding rule of law. Local government is a subset of State government. So when we say, "Neither the United States nor any State shall require any person to join in prayer or other religious activity," you are saying that no agent of government can dictate to people you have got to pray or we are going to pressure you to participate in some sort of religious activity. That is to avoid just trying to get people to join in the prayer if they may not want to do so, but trying to make sure that you are also not trying to push them into any other type of religious activity. So we have tried to make sure that we cover that as well as other concerns of people with that language.

Mr. KINGSTON. But that would mean you could have prayer which is not student led. You could have teacher-led prayer.

Mr. ISTOOK. You can have the initiative for prayer that must come, not from government, but from the students, because following that, we have the requirement that it says, "Government shall not prescribe school prayers." That means two things. You do not prescribe or dictate that they must occur. Secondly, you do not prescribe or select the content of those prayers.

Is it possible, for example, let us take a case such as the graduation case in Rhode Island, the *Lee v. Weisman* case, Rabbi Leslie Gutterman was invited to offer the prayer. Should students, on some occasion, invite someone else to join the prayer? Yes. That could be permitted. But the initiative must come from the students, not from government.

Let me tell you a personal story that relates to that, because I recall, in 1963, when I was a student in junior high school in Fort Worth, Texas. That day, our whole school had let out briefly to walk down to the highway to see the motorcade where the President of the United States was passing by as he was going to downtown Fort Worth to Carswell Air Force Base and passing our community to do so to get on to Airforce One and make a quick hop over to Dallas where he was shot and killed. That was November 22nd, 1963. I recall, of course, we had just seen the President that morning, the shock as the first, the rumors and then the confirmation spread through the school.

You can imagine, of course, as from your own experiences, because we are

of the generation where everybody knows where they were the day that John F. Kennedy was assassinated, and I recall on that occasion, despite what the Supreme Court had ruled just the year before, and I cannot tell you to this day who offered it, but the whole school shared in the prayer over the school intercom.

If you took the case today and the order that Judge Dement has issued in the State of Alabama, whoever offered that prayer could be put in prison under the judge's order. So we need to recognize that there are extraordinary circumstances, and there are extraordinary deeds, and there are times that we need to reinforce the common bonds, just as these four justices said in their dissent, that we need to reinforce those common bonds.

Mr. KINGSTON. Okay. So let us say under an order, a typical American schoolroom right now, the difference that this would make is that, at some point in the day, the students could ask to pray, be it at the homeroom, or would they have to go to a separate room and take the time off of recess or whatever, because it would appear to me there could be scheduling problems, something mundane and routine.

Mr. ISTOOK. That is not the job or the responsibility of the Congress of the United States or the Supreme Court to decide what should be the scheduling of a public school if a school chooses to make an opportunity during homeroom time or at school assemblies or whatever it may be, depending upon what are the wishes of the people that are involved there.

You see, unfortunately some people have gotten so accustomed to a system where people say Washington, D.C. is going to tell us how to do everything, that we have to get all the details and all the instructions and all the fine print out of Washington, D.C. That is contrary to the notion of freedom. It is contrary to the notion of federalism that says the Federal Government is intended to be a government of limited powers.

So it is not for us to decide or dictate how a particular school or State may implement different things. It is merely for us to enunciate the standards. That is the purpose of the Constitution.

Mr. KINGSTON. But should a child go to see the teacher and say, all right, I would like to say a prayer, my dad is in the hospital right now; the teacher says, that is fine, Johnny, but we are going to call roll, and we are going to go to our math class, and we are going to follow that with English and social studies and lunch, and then we are going to go home. There is no time.

So what does Johnny do, say you are infringing on my religion? The teacher may say, no, you can pray, but we do not have time. The constitutional amendment does not require that I give you a set time. Now, Ms. Jones down the hall, it is okay with her to have 30 seconds out in the morning.

Mr. ISTOOK. I think that the dissent into that minutia or trivia is not the intent of any constitutional amendment. For example, we have many rights that the U.S. Constitution expresses in absolute terms. Let us take free speech. The Constitution says that we have the right to free speech. It is in the First Amendment. It does not say there are any limits whatsoever on it.

But right now, if a student does not like what is going on in social studies, they can not insist, oh, I am going to start talking about math or English or some other topic. You still have requirements for orderly behavior, whether it be free speech or whether it be someone that might be wishing an opportunity to have a prayer at public school.

The courts have recognized that there are time, place, and circumstance requirements of reason. By the same token, free speech is not absolute, because obscenity, pornography are not protected by free speech. The right of free speech does not give someone the right to libel or slander someone without bearing legal responsibility for the results of that act.

Mr. KINGSTON. Even in this Chamber, we cannot say everything that we sometimes want to.

Mr. ISTOOK. We have rules in this Chamber, you are correct. I was going to mention another important one.

Free speech does not give someone the ability to incite people to engage in violent acts or to overthrow of the government. Yet, the First Amendment says simply that we have free speech, that Congress shall not abridge free speech. Those things are not considered abridgements.

So, too, when you say the people, under the Religious Freedom Amendment, have the right to pray, it does not mean that a child has the ability to interrupt a class whenever they may want to because they say, I can only interrupt regardless of the time or place or circumstance to offer a prayer. You have the same reasonable requirements to keep things orderly that are understood as the courts have clearly held in a multitude of decisions that relate to public schools.

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So that, I think, is the best answer we can give to the question that the gentleman posed when someone says, well, gee, if I cannot do what I want to do and to do it right now, that my constitutional rights are being infringed upon. I do not think we want to teach our kids that and certainly the Religious Freedom Amendment would not do that.

Mr. KINGSTON. Let me ask the gentleman this. Some of the critics feel that right wing Christian extremists are pushing this. And I have seen literature that labels groups who advocate this amendment.

Mr. ISTOOK. And they probably labeled the gentleman, who is one of the

cosponsors, as a right wing religious extremist. Of course, they are wrong on that.

Mr. KINGSTON. That would not be the first time. The question, though, this is a constitutional amendment. Therefore, it has to pass this House by 290 votes.

Mr. ISTOOK. Yes, by 290 votes. By two-thirds of those who vote. If everybody votes, it would be 290.

Mr. KINGSTON. Now, the gentleman has 152 co-sponsors.

Mr. ISTOOK. Approximately that number; correct.

Mr. KINGSTON. And there are people who will support this but will not co-sponsor it.

Mr. ISTOOK. Correct.

Mr. KINGSTON. But it would appear to me the gap between 152 and 290 is still a large one.

Mr. ISTOOK. That is typical, of course, because most pieces of legislation have far fewer co-sponsors than they do have people who actually vote for them.

Mr. KINGSTON. And if people want to find out if their Representative is a co-sponsor, they can go to that Web page.

Mr. ISTOOK. They can go to the Web page and we have that information for them there.

Mr. KINGSTON. Now, should this pass the House, it has to get 60 votes in the Senate.

Mr. ISTOOK. Here is the requirement, for this or any other constitutional amendment. The requirement that is set forth, in I think either article 5 or 6 of the Constitution, sets up the way that the Constitution is amended.

Now, the way the Supreme Court does it, they issue a ruling which bends or twists or distorts or breaks the Constitution, and then we have to go through this process to correct it. So the way the Founding Fathers intended is, we have to have a vote on a constitutional amendment that is approved by two-thirds of the House and by two-thirds of the Senate and then is ratified by three fourths of the State legislatures.

Now, it is important to note that in the process of ratifying it, we do not need a two-thirds vote within a State legislature. We only need a simple majority. But we have to have the simple majority from three-fourths.

It is also important to note the President of the United States and the governors of the several States do not have any formal or official role in any constitutional amendment. It is something that is done through the legislative bodies, both in the Congress and in the State legislatures. And the Religious Freedom Amendment specifies a period of 7 years for the States to consider ratification of this.

Mr. KINGSTON. Does the gentleman have a similar piece of legislation being introduced and worked in the Senate?

Mr. ISTOOK. Our intent is first to have the House vote, which will create

the incentive for the Senate vote. And there are multiple Members of the Senate who are potential principal sponsors in the other body.

Mr. KINGSTON. But the reality is this has a long, long way to go. As far as the gentleman from Oklahoma has gone with it, he is only at the starting gate still.

Mr. ISTOOK. But we are at a key position, because this amendment has been approved by the Subcommittee on the Constitution of the Committee on the Judiciary, and approved by the House Committee on the Judiciary. That is the first time a committee of this House has ever approved an amendment on voluntary school prayer. Only one other time, in 1971, did we have a vote in this body on such a proposal, and that was done with a mechanism that bypassed the committee process.

So even though, as the gentleman correctly notes, the Constitution establishes a deliberately difficult process for any constitutional amendment, we have come through the necessary stages to bring it to a vote in this House. And it will be the first vote in this body since 1971.

And that is something that, frankly, ought to embarrass the many Congresses that have met year after year since then. Because if we look at public opinion polls since 1962, consistently three-fourths of the American people say we want a constitutional amendment to make it possible to have voluntary prayer in public schools again. Not compulsory, but not with the kind of restrictions they put on efforts to have prayer in public schools today. So it is long overdue for this body to act.

And I want to make note, too, that this is what has happened before, when the U.S. Supreme Court went in one direction and the Congress and the American people said it is the wrong direction. The most prominent of the constitutional amendments that have been adopted to correct the Supreme Court was the 13th amendment to abolish slavery, because the Supreme Court in the Dred Scott decision had said Congress and the States do not have the power and do not have the right to abolish slavery. That took a constitutional amendment.

Mr. Speaker, I appreciate the time and the opportunity this evening to address this important issue to restore the full range of religious freedom that the Founding Fathers intended; that the first amendment in its simple terms was meant to represent before it was twisted, unfortunately, by the court decisions. And I certainly look forward to the vote that we will be having in this House in a month, and I hope that the citizens who are represented by the Members of this Congress will talk to the Members of this Congress and tell them that they need to be supporting the religious freedom amendment.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. DIXON (at the request of Mr. GEPHARDT) for today, on account of medical reasons.

Mr. DOYLE (at the request of Mr. GEPHARDT) for today, on account of family illness.

Mr. MCHUGH (at the request of Mr. ARMEY) for today after 2 p.m., on account of official business.

Mr. PARKER (at the request of Mr. ARMEY) for today and the balance of the week, on account of attending a funeral.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. STENHOLM) to revise and extend their remarks and include extraneous material:)

Mr. BONIOR, for 5 minutes, today.

Mr. BENTSEN, for 5 minutes, today.

Mrs. CLAYTON, for 5 minutes, today.

Mr. MCGOVERN, for 5 minutes, today.

Ms. CARSON, for 5 minutes, today.

Mr. STENHOLM, for 5 minutes, today.

Mr. DOGGETT, for 5 minutes, today.

Mr. CONYERS, for 5 minutes, today.

(The following Members (at the request of Mr. PAPPAS) to revise and extend their remarks and include extraneous material:)

Mr. BRADY, for 5 minutes, today.

Mr. MICA, for 5 minutes, today.

Mr. DUNCAN, for 5 minutes, today.

Mr. GUTKNECHT, for 5 minutes, today.

Mr. FOLEY, for 5 minutes, today.

EXTENSIONS OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. STENHOLM) and to include extraneous matter:)

Mr. KIND.

Mr. ORTIZ.

Mr. MILLER of California.

Mr. BAESLER.

Mr. MCGOVERN.

Mr. BENTSEN.

Mr. BOYD.

Mr. CUMMINGS.

Mr. LIPINSKI.

Mr. KUCINICH.

Mr. LEVIN, in two instances.

Ms. STABENOW.

Mr. ALLEN.

Mr. TOWNS.

Ms. LOFGREN.

Mr. BLAGOJEVICH.

Mr. MANTON.

Ms. EDDIE BERNICE JOHNSON of Texas.

Mrs. MCCARTHY of New York.

(The following Members (at the request of Mr. PAPPAS) and to include extraneous matter:)

Mr. GEKAS.

Mr. DAVIS of Virginia, in two instances.

Mr. WATTS of Oklahoma.

Mr. COLLINS.

Mr. EHRLICH.

Mr. JOHNSON of Texas.

Mr. BONILLA.

Mr. SMITH of Michigan.

Mr. BOB SCHAFFER of Colorado.

Mr. KNOLLENBERG.

(The following Members (at the request of Mr. ROHRBACHER) and to include extraneous matter:)

Mr. HAMILTON.

Mr. MATSUI.

Mr. PACKARD.

Mr. GINGRICH.

Mr. LANTOS.

Ms. MILLENDER-MCDONALD.

Mr. GORDON.

Mr. CRANE.

Mr. GEKAS.

Mr. BLAGOJEVICH.

Mr. FOX of Pennsylvania.

Mr. SMITH of Oregon.

Mr. LOBIONDO.

Mr. CONYERS.

Mr. ALLEN.

ADJOURNMENT

Mr. ROHRBACHER. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 7 o'clock and 7 minutes p.m.), under its previous order the House adjourned until Monday, May 11, 1998, at 2 p.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

9006. A letter from the Administrator, Agricultural Marketing Service, transmitting the Service's final rule—Marketing Order Regulating the Handling of Spearmint Oil Produced in the Far West; Revision of the Salable Quantity and Allotment Percentage for Class 3 (Native) Spearmint Oil for the 1997–1998 Marketing Year [FV98–985–2 IFR] received May 4, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

9007. A letter from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, transmitting the Service's final rule—Pine Shoot Beetle; Quarantined Areas [Docket No. 97–100–2] received May 6, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

9008. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Peroxyacetic Acid; Exemption From the Requirement of a Tolerance [OPP–300654; FRL–5789–3] (RIN: 2070–AB78) received May 5, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

9009. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Hydrogen Peroxide; Exemption From the Requirement of a Tolerance [OPP–300655; FRL–5789–4] (RIN: 2070–AB78) received May 5, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

9010. A letter from the Administrator, Farm Service Agency, transmitting the

Agency's final rule—Post Bankruptcy Loan Servicing Notices (RIN: 0560-AE62) received May 6, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

9011. A letter from the Assistant Secretary, Special Education and Rehabilitative Services, Department of Education, transmitting notice of the Final Funding Priorities for Fiscal Years 1998-1999 for four Rehabilitation Research and Training Centers and two Disability and Rehabilitation Research Projects, pursuant to 20 U.S.C. 1232(f); to the Committee on Education and the Workforce.

9012. A letter from the Acting Assistant General Counsel for Regulations, Department of Education, transmitting the Department's final rule—Notice of Final Funding Priorities for Fiscal Years 1998-1999 for Certain Centers and Projects—received May 6, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

9013. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Air Quality Implementation Plans; Pennsylvania; Conditional Limited Approval of the Pennsylvania VOC and NORACT Regulation; Correction [PA041-4069; FRL-6009-3] received May 5, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

9014. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of State Implementation Plans; Oregon [OR-67-7282, OR-70-7285; FRL-5976-5] received May 5, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

9015. A letter from the AMD—Performance Evaluation and Records Management, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Indian Springs, Nevada, Mountain Pass, California, Kingman, Arizona, and St. George, Utah) [MM Docket No. 96-171 RM-8846 RM-9145] received May 5, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

9016. A letter from the AMD—Performance Evaluation and Records Management, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Ashdown and DeQueen, Arkansas) [MM Docket No. 97-223 RM-9014] received May 5, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

9017. A letter from the Director, Regulations Policy and Management Staff, Food and Drug Administration, transmitting the Administration's final rule—Listing of Color Additives for Coloring Sutures; D&C Violet No. 2 [Docket No. 95C-0399] received May 4, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

9018. A letter from the Director, Regulations Policy and Management Staff, Food and Drug Administration, transmitting the Administration's final rule—Lipase Enzyme Preparation From *Rhizopus Niveus*; Affirmation of GRAS Status as a Direct Food Ingredient [Docket No. 90G-0412] received May 6, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

9019. A letter from the Director, Regulations Policy and Management Staff, Food and Drug Administration, transmitting the Administration's final rule—Radiology Devices; Classifications for Five Medical Image Management Devices [Docket No. 96N-0320] received May 5, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

9020. A letter from the Assistant Secretary for Legislative Affairs, Department of State,

transmitting a report of political contributions by nominees as chiefs of mission, ambassadors at large, or ministers, and their families, pursuant to 22 U.S.C. 3944(b)(2); to the Committee on International Relations.

9021. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b(a); to the Committee on International Relations.

9022. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 12-331, "Juvenile Curfew Amendment Act of 1998" received May 1, 1998, pursuant to D.C. Code section 1-233(c)(1); to the Committee on Government Reform and Oversight.

9023. A letter from the Executive Director, Federal Labor Relations Authority, transmitting a copy of the annual report in compliance with the Government in the Sunshine Act during the calendar year 1997, pursuant to 5 U.S.C. 552b(j); to the Committee on Government Reform and Oversight.

9024. A letter from the Acting Director, Office of Sustainable Fisheries, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Reef Fish Fishery of the Gulf of Mexico; Vermilion Snapper Size Limit [Docket No. 970804190-7190-01; I.D. 070997A] (RIN: 0648-AJ89) received May 4, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

9025. A letter from the Acting Director, Office of Sustainable Fisheries, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Reef Fish Fishery of the Gulf of Mexico; Closure of the Recreational Red Snapper Component [Docket No. 970730185-7206-02; I.D. 111297D] received May 4, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

9026. A letter from the Acting Director, Office of Sustainable Fisheries, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Reef Fish Fishery of the Gulf of Mexico; Closure of the Commercial Red Snapper Component [I.D. 040998A] received May 4, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

9027. A letter from the Acting Director, Office of Sustainable Fisheries, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Northeastern United States; Summer Flounder and Scup Fisheries; Readjustments to 1998 Quotas; Commercial Summer Period Scup Quota Harvested for Maryland [Docket No. 971015246-7293-02; I.D. 041398A] received May 4, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

9028. A letter from the Senior Attorney, Federal Register Certifying Officer, Financial Management Service, transmitting the Service's final rule—Administrative Wage Garnishment (RIN: 1510-AA67) received May 4, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

9029. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Dassault Model Falcon 2000 Series Airplanes [Docket No. 98-NM-130-AD; Amendment 39-10507; AD 98-09-26] (RIN: 2120-AA64) received May 4, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9030. A letter from the General Counsel, Department of Transportation, transmitting

the Department's final rule—Airworthiness Directives; Diamond Aircraft Industries Models H-36 "Dimona" and HK 36 R "Super Dimona" Sailplanes [Docket No. 97-CE-134-AD; Amendment 39-10505; AD 98-09-24] (RIN: 2120-AA64) received May 4, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9031. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Safety Zone; Greenwood Lake Powerboat Classic, Greenwood Lake, New Jersey [CGD01-98-015] (RIN: 2115-AA97) received May 4, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9032. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Renewable Electricity Production Credit, Publication of Inflation Adjustment Factor and Reference Prices for Calendar Year 1998 [Notice 98-27, 1998-18 I.R.B.] received May 4, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

9033. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Golden Belt Telephone Cooperative v. Commissioner [T.C. Docket No. 21677-95] received May 4, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

9034. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Weighted Average Interest Rate Update [Notice 98-26] received May 5, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 1 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. ARCHER: Committee on Ways and Means. H.R. 1023. A bill to provide for compassionate payments with regard to individuals with blood-clotting disorders, such as hemophilia, who contracted human immunodeficiency virus due to contaminated blood products, and for other purposes; with amendments (Rept. 105-465 Pt. 2). Ordered to be printed.

Mr. SOLOMON: Committee on Rules. H.R. 3534. A bill to improve congressional deliberation on proposed Federal private sector mandates, and for other purposes; with an amendment (Rept. 105-515). Referred to the Committee of the Whole House on the State of the Union.

Mr. YOUNG of Alaska: Committee on Resources. H.R. 2416. A bill to provide for the transfer of certain rights and property to the United States Forest Service in exchange for a payment to the occupant of such property, and for other purposes; with an amendment (Rept. 105-516). Referred to the Committee of the Whole House on the State of the Union.

Mr. SHUSTER: Committee on Transportation and Infrastructure. H.R. 2730. A bill to designate the Federal building located at 309 North Church Street in Dyersburg, Tennessee, as the "Jere Cooper Federal Building" (Rept. 105-517). Referred to the House Calendar.

Mr. SHUSTER: Committee on Transportation and Infrastructure. H.R. 2225. A bill to designate the Federal Building and United States Courthouse to be constructed on Las Vegas Boulevard between Bridger Avenue and Clark Avenue in Las Vegas, Nevada, as the "Lloyd D. George Federal Building and United States Courthouse" (Rept. 105-518). Referred to the House Calendar.

Mr. SHUSTER: Committee on Transportation and Infrastructure. H.R. 3453. A bill to designate the Federal Building and post office located at 100 East B Street, Casper, Wyoming, as the "Dick Cheney Federal Building" (Rept. 105-519). Referred to the House Calendar.

Mr. SHUSTER: Committee on Transportation and Infrastructure. H.R. 3295. A bill to designate the Federal Building located at 1301 Clay Street in Oakland, California, as the "Ronald V. Dellums Federal Building" (Rept. 105-520). Referred to the House Calendar.

Mr. SHUSTER: Committee on Transportation and Infrastructure. House Concurrent Resolution 255. A resolution authorizing the use of the Capitol Grounds for the Greater Washington Soap Box Derby; with an amendment (Rept. 105-521). Referred to the House Calendar.

TIME LIMITATION OF REFERRED BILL

Pursuant to clause 5 of rule X the following action was taken by the Speaker:

H.R. 1965. Referral to the Committees on Ways and Means and Commerce extended for a period ending not later than, June 19, 1998.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of Rule X and clause 4 of Rule XXII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. SHUSTER (for himself, Mr. OBERSTAR, Mr. FRANKS of New Jersey, and Mr. WISE) (all by request):

H.R. 3805. A bill to authorize activities under the Federal railroad safety laws for fiscal years 1999 through 2002, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. WOLF:

H.R. 3806. A bill to establish an Office of Religious Persecution Monitoring, to provide for the imposition of sanctions against countries engaged in a pattern of religious persecution, and for other purposes; to the Committee on International Relations, and in addition to the Committees on the Judiciary, Banking and Financial Services, and Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. KNOLLENBERG (for himself, Mrs. EMERSON, and Mr. KLINK):

H.R. 3807. A bill to prohibit the use of Federal funds to implement the Kyoto Protocol to the United Nations Framework Convention on Climate Change unless or until the Senate has given its advice and consent to ratification of the Kyoto Protocol and to clarify the authority of Federal agencies with respect to the regulation of the emissions of carbon dioxide; to the Committee on Commerce.

By Mr. UPTON (for himself, Ms. RIVERS, Mr. EHLERS, Mr. DINGELL, Mr. CAMP, Mr. LEVIN, Mr. KILDEE, Mr. KNOLLENBERG, Mr. BONIOR, Mr. SMITH of Michigan, Ms. KILPATRICK, Mr. BARCIA of Michigan, Ms. STABENOW, Mr. HOEKSTRA, Mr. CONYERS, Mr. STUPAK, Mr. COBLE, and Mr. BLILEY):

H.R. 3808. A bill to designate the United States Post Office located at 47526 Clipper Drive in Plymouth, Michigan, as the "Carl D. Pursell Post Office"; to the Committee on Government Reform and Oversight.

By Mr. CRANE (for himself, Mr. SHAW, and Mr. HASTERT):

H.R. 3809. A bill to authorize appropriations for the United States Customs Service for fiscal years 1999 and 2000, and for other purposes; to the Committee on Ways and Means.

By Mr. FRANKS of New Jersey:

H.R. 3810. A bill to designate the United States Post Office located at 202 Center Street in Garwood, New Jersey, as the "James T. Leonard, Sr. Post Office"; to the Committee on Government Reform and Oversight.

By Mr. HYDE (for himself and Mr. HOYER):

H.R. 3811. A bill to establish felony violations for the failure to pay legal child support obligations, and for other purposes; to the Committee on the Judiciary.

By Mr. BLUNT (for himself and Mr. COBURN):

H.R. 3812. A bill to amend title 49, United States Code, to permit State and local governments to adopt or continue in force speed limits for trains lower than Federal speed limits; to the Committee on Transportation and Infrastructure.

By Mr. CLAY (for himself, Mr. MARTINEZ, Mr. FORD, Mr. SAWYER, Mr. RUSH, Mr. DELAHUNT, Ms. LOFGREN, Ms. DELAURO, Mr. CONYERS, Mr. FATTAH, Mr. CUMMINGS, Mr. PAYNE, Mr. ANDREWS, Ms. WOOLSEY, Mr. KILDEE, Ms. WATERS, Mr. TOWNS, Mr. ROMERO-BARCELO, Mr. SCOTT, Mr. PASTOR, Mrs. MINK of Hawaii, and Mr. KUCINICH):

H.R. 3813. A bill to assist certain urban and rural local educational agencies that have a high concentration of children from low-income families; to the Committee on Education and the Workforce.

By Mr. EWING:

H.R. 3814. A bill to amend title XVIII of the Social Security Act to provide for coverage under the Medicare Program of insulin pumps as items of durable medical equipment; to the Committee on Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SAM JOHNSON (for himself, Mr. LEVIN, Mr. ENGLISH of Pennsylvania, Mr. HOUGHTON, Mr. PRICE of North Carolina, Ms. LOFGREN, Mr. DOOLEY of California, and Mr. BENTSEN):

H.R. 3815. A bill to amend the Internal Revenue Code of 1986 to provide for a medical innovation tax credit for clinical testing research expenses attributable to academic medical centers and other qualified hospital research organizations; to the Committee on Ways and Means.

By Mr. LIPINSKI:

H.R. 3816. A bill to amend the Internal Revenue Code of 1986 to allow the deduction for contributions to medical savings accounts, and the deduction for health insurance costs, to employees of small employers that do not offer any group health plan to their employees; to the Committee on Ways and Means.

By Mr. MEEHAN (for himself and Mr. BRYANT):

H.R. 3817. A bill to exempt professional sports leagues from liability under the antitrust laws for certain conduct relating to the relocation of their respective member teams; to establish procedures and remedies applicable to such leagues with respect to the relocation of such teams, and for other purposes; to the Committee on the Judiciary, and in addition to the Committee on Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MICA:

H.R. 3818. A bill to provide additional compensation for certain World War II veterans who survived the Bataan Death March and were held as prisoners of war by the Japanese; to the Committee on Veterans' Affairs.

By Ms. MILLENDER-MCDONALD:

H.R. 3819. A bill to restore the standards used for determining whether technical workers are not employees as in effect before the Tax Reform Act of 1986; to the Committee on Ways and Means.

By Mr. MILLER of California (for himself, Mrs. MALONEY of New York, Mr. DEFAZIO, Mr. MARKEY, Mr. OLVER, Mr. HINCHEY, Mr. UNDERWOOD, Mr. NADLER, Mr. HILLIARD, Ms. PELOSI, and Mr. FARR of California):

H.R. 3820. A bill to repeal a limitation on use of appropriations to issue rules with respect to the valuation of crude oil for royalty purposes; to the Committee on Resources.

By Mr. PORTMAN (for himself, Mr. GOSS, Mr. HAMILTON, Mr. SKELTON, Mr. ARCHER, Mr. DIXON, Mr. GINGRICH, Ms. PRYCE of Ohio, Mr. DICKS, Mr. HOBSON, Mr. STENHOLM, Mr. FROST, Mr. MURTHA, Mr. SMITH of Oregon, Mr. SISISKY, Mr. LAZIO of New York, Mr. PICKETT, Mr. LEACH, Mr. HALL of Texas, Mr. SUNUNU, Mr. TRAFICANT, Mr. CANNON, Mr. PICKERING, Mr. EDWARDS, Mr. BONILLA, Mr. COX of California, Mr. DELAY, Mr. ORTIZ, Mr. LATOURETTE, Mr. REGULA, Mr. THORNBERRY, Mr. DUNCAN, Ms. GRANGER, Mr. SAM JOHNSON, Mr. SMITH of Texas, Mr. BASS, Mr. BOEHLERT, Mr. CASTLE, Mr. GIBBONS, Mr. LEWIS of California, Mr. MCCOLLUM, Mr. SHUSTER, Mr. YOUNG of Florida, Mr. OXLEY, Mr. WOLF, and Mr. LIVINGSTON):

H.R. 3821. A bill to designate the Headquarters Compound of the Central Intelligence Agency located in Langley, Virginia, as the George H.W. Bush Center for Central Intelligence; to the Committee on Intelligence (Permanent Select).

By Mr. SMITH of Michigan (for himself and Mr. MINGE):

H.R. 3822. A bill to amend title II of the Social Security Act to require investment of the Social Security trust funds in marketable securities, and for other purposes; to the Committee on Ways and Means.

By Mr. ROYCE:

H. Con. Res. 273. Concurrent resolution expressing the sense of the Congress that the annual rate at which the International Monetary Fund charges interest on loans should be comparable to the average annual rate of interest in financial markets for loans of comparable maturity, adjusted for risk; to the Committee on Banking and Financial Services.

By Mr. YOUNG of Florida (for himself, Mr. STOKES, Mr. SPENCE, Mr. GEKAS, Mr. COBURN, Mr. MCDADE, Mr. SHAW, Mr. CALLAHAN, Mr. ENSIGN, Mr. GOODE, Mrs. MINK of Hawaii, Mr. PASTOR, Mr. RAHALL, Mr. HASTINGS of Florida, Mr. DOOLEY of California, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. MARTINEZ, Mr. PETERSON of Pennsylvania, Ms. SLAUGHTER, Ms. WATERS, Mr. HOYER, Mr. McDERMOTT, and Ms. PELOSI):

H. Con. Res. 274. Concurrent resolution recognizing the 50th anniversary of the National Heart, Lung, and Blood Institute, and for other purposes; to the Committee on Commerce.

By Mr. BURTON of Indiana (for himself, Mr. ARMEY, Mr. BOEHNER, Mr. DELAY, Mr. SOLOMON, Mr. HYDE, Mr. LIVINGSTON, Mr. ARCHER, Mr. GILMAN,

Mr. GOODLING, Mr. BLILEY, Mr. GOSS, Mr. SPENCE, Mr. STUMP, and Mr. TALENT):

H. Res. 422. A resolution expressing the sense of the House of Representatives that law enforcement officers who have died in the line of duty should be honored, recognized, and remembered for their great sacrifice; to the Committee on the Judiciary.

By Mr. HASTERT (for himself, Mr. HUTCHINSON, Mr. GINGRICH, Mr. ARMEY, Mr. DELAY, Mr. BOEHNER, Ms. DUNN of Washington, Ms. PRYCE of Ohio, Mr. PORTMAN, Mr. LINDER, Mr. MCCOLLUM, Mr. GILMAN, Mr. GOODLING, Mrs. MYRICK, Mr. BARR of Georgia, Mr. BARTON of Texas, Mr. WATTS of Oklahoma, Mr. LEWIS of Kentucky, Mr. NETHERCUTT, Mr. LUCAS of Oklahoma, Mr. FRANKS of New Jersey, Mr. SNOWBARGER, Mr. DOOLITTLE, Mr. WAMP, Mr. BONILLA, Mr. MICA, Mr. ADERHOLT, Mr. HAYWORTH, Mr. BLUNT, Mr. SHADEGG, Mr. WELLER, Mr. FORBES, Mr. SMITH of New Jersey, Mr. BASS, Mr. BURR of North Carolina, Mrs. KELLY, Mr. WATKINS, Mrs. BONO, Mr. WICKER, Mr. COLLINS, Ms. ROS-LEHTINEN, Mr. LAHOOD, Mr. PORTER, Mrs. FOWLER, Mr. EWING, Mrs. NORTHUP, and Mr. PAPPAS):

H. Res. 423. A resolution expressing the sense of the House with respect to winning the war on drugs to protect our children; to the Committee on Commerce.

By Mr. HAMILTON (for himself, Mr. COX of California, Mr. VISCLOSKEY, and Mr. CAMPBELL):

H. Res. 424. A resolution requiring members, officers, and employees of the House of Representatives to submit reports on travel to the Clerk of the House which include information on the source of funds used to pay for such travel, and for other purposes; to the Committee on House Oversight, and in addition to the Committee on Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. METCALF:

H. Res. 425. A resolution expressing the sense of the House of Representatives regarding the policy of the United States at the 50th Annual meeting of the International Whaling Commission; to the Committee on International Relations.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of Rule XXII,

Mr. GILLMOR introduced A bill (H.R. 3823) to authorize conveyance of a National Defense Reserve Fleet vessel to the Ohio War Memorial, Inc., for use as a memorial to Ohio veterans; which was referred to the Committee on National Security.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 165: Mrs. THURMAN.
H.R. 306: Mr. DUNCAN and Mr. MCINTOSH.
H.R. 598: Mr. MCHUGH.
H.R. 678: Mr. YOUNG of Florida, Mrs. MYRICK, Mr. SENSENBRENNER, and Mr. KOLBE.
H.R. 902: Mr. ARMEY, Mr. REDMOND, and Mr. GOODLATTE.
H.R. 953: Ms. KAPTUR, Mr. CUMMINGS, and Mr. SNYDER.
H.R. 981: Mrs. KENNELLY of Connecticut.
H.R. 986: Mr. LARGENT.

H.R. 1054: Mr. SKEEN.
H.R. 1126: Mr. TOWNS, Mr. QUINN, and Mr. CALLAHAN.
H.R. 1147: Mr. COBURN.
H.R. 1302: Mr. MALONEY of Connecticut.
H.R. 1375: Mr. MILLER of California and Mr. REDMOND.
H.R. 1415: Ms. KILPATRICK.
H.R. 1539: Mr. STOKES.
H.R. 1572: Ms. SLAUGHTER.
H.R. 1730: Ms. LOFGREN.
H.R. 1891: Mr. MCDERMOTT.
H.R. 1984: Mr. SHADEGG.
H.R. 2094: Mrs. ROUKEMA.
H.R. 2198: Mr. BURTON of Indiana and Mr. WALSH.
H.R. 2202: Mrs. CAPPS and Mr. BERMAN.
H.R. 2330: Mr. ENGEL.
H.R. 2431: Mr. CAMP and Mr. COOK.
H.R. 2450: Mr. FROST, Ms. LOFGREN, Ms. PELOSI, and Mr. KOLBE.
H.R. 2642: Mr. LEWIS of Georgia.
H.R. 2670: Mr. HINCHEY.
H.R. 2695: Mrs. TAUSCHER.
H.R. 2708: Mr. WELLER, Mrs. JOHNSON of Connecticut, Mr. JOHN, Mr. MINGE, Mr. PRICE of North Carolina, and Mr. FAWELL.
H.R. 2721: Mr. SKEEN, Mr. COBURN, and Mr. ENSIGN.
H.R. 2829: Mr. LATOURETTE and Mr. SNYDER.
H.R. 2888: Mr. SAM JOHNSON, Mr. SANDLIN, Mr. MCHUGH, Mr. HALL of Texas, Mr. GRAHAM, Mr. HOEKSTRA, Mr. SHAW, Mr. TALENT, Mr. DAVIS of Florida, Mr. BOYD, Mr. MCINTOSH, Mr. LEWIS of California, and Mr. UPTON.
H.R. 2908: Mr. HINCHEY, Mr. DAVIS of Illinois, Mr. MALONEY of Connecticut, Mr. SANDERS, Mr. CRAPO, Mr. LATHAM, and Mr. TRAFICANT.
H.R. 2912: Mr. GILCHREST.
H.R. 2921: Mr. LAMPSON and Mr. FARR of California.
H.R. 2931: Mr. MILLER of California, Mr. LAFALCE, and Mr. MASCARA.
H.R. 2936: Mr. SUNUNU.
H.R. 2949: Mr. TALENT.
H.R. 2987: Mr. KING of New York, Mr. MCNULTY, Mr. GORDON, and Mr. MORAN of Virginia.
H.R. 2990: Mrs. CAPPS, Ms. VELAZQUEZ, Mr. PICKETT, and Mr. WOLF.
H.R. 3048: Mr. HALL of Texas, Mr. KUCINICH, and Mr. BLUMENAUER.
H.R. 3050: Mr. PICKETT, Mr. SCHUMER, and Mr. KENNEDY of Massachusetts.
H.R. 3097: Mr. FOSSELLA.
H.R. 3099: Mr. BARRETT of Wisconsin.
H.R. 3129: Mrs. TAUSCHER.
H.R. 3140: Mr. RADANOVICH, Mr. MURTHA, Mr. COOK, Mr. POMBO and Mr. SHAW.
H.R. 3156: Mr. EDWARDS, Mr. KIND of Wisconsin, Mr. TURNER, Mr. MURTHA, Mr. ORTIZ, Mr. HOLDEN, Mr. RODRIGUEZ and Mr. WATKINS.
H.R. 3166: Mr. HOSTETTLER.
H.R. 3177: Mr. PICKERING.
H.R. 3207: Ms. ROYBAL-ALLARD and Mr. POMEROY.
H.R. 3216: Mr. SCOTT and Mr. EDWARDS.
H.R. 3240: Ms. KAPTUR.
H.R. 3243: Mr. WELDON of Florida.
H.R. 3279: Ms. RIVERS.
H.R. 3290: Mr. PICKETT, Ms. VELAZQUEZ, and Mr. LEWIS of Georgia.
H.R. 3292: Mr. LEWIS of Georgia.
H.R. 3400: Mrs. TAUSCHER.
H.R. 3470: Mr. LIPINSKI and Ms. SLAUGHTER.
H.R. 3499: Mr. WYNN, Mr. LEWIS of Georgia, and Mr. TOWNS.
H.R. 3506: Mr. BAKER, Mr. COLLINS, Mr. DICKEY, Mrs. EMERSON, Mr. FRELINGHUYSEN, Mr. GALLEGLY, Mr. GEKAS, Mr. GILLMOR, Mrs. JOHNSON of Connecticut, Mr. LATHAM, Mr. LAZIO of New York, Mr. MCDADE, Mr. MCHUGH, Mr. NORWOOD, Mr. PETRI, Mr. PICKERING, Mr. PITTS, Mr. RILEY, Mr. SKEEN, Mr.

SMITH of New Jersey, Mr. SMITH of Oregon, Mr. SOLOMON, Mr. TAUZIN, Mr. THUNE, Mr. WICKER, Ms. NORTON, and Mr. BARRETT of Nebraska.

H.R. 3514: Mr. HOYER.
H.R. 3526: Mr. GEJDENSON.
H.R. 3540: Mr. BARRETT of Wisconsin, Mr. BARCIA of Michigan, Mr. ENGLISH of Pennsylvania, and Mr. LIPINSKI.
H.R. 3541: Mr. HILL, Mrs. MORELLA, Mr. BRYANT, Mr. BILIRAKIS, Mr. GREEN, Mr. NEUMANN, Mrs. EMERSON, Mr. ANDREWS, Mr. BOYD, Mrs. CHENOWETH, Mr. WELDON of Florida, Ms. HARMAN, Mr. HALL of Texas, and Mr. ROTHMAN.
H.R. 3553: Mr. MOAKLEY, Mr. PAYNE, Mr. ROMERO-BARCELO, Ms. PELOSI, Mr. SANDERS, Mr. DIAZ-BALART, Mr. OWENS, Mr. STARK, Mr. FROST, Mr. BONIOR, Mr. MARTINEZ, Mr. MENENDEZ, Mr. ORTIZ, Mr. UNDERWOOD, Mr. PASTOR, Mr. REYES, Mr. HINOJOSA, Ms. VALAZQUEZ, Mr. TORRES, and Mr. RODRIGUEZ.
H.R. 3567: Mr. GOSS.
H.R. 3584: Mr. PASCRELL.
H.R. 3605: Mr. BARRETT of Wisconsin, Mr. COSTELLO, and Mr. TIERNEY.
H.R. 3613: Mr. SCARBOROUGH and Mr. BROWN of California.
H.R. 3615: Mr. FARR of California and Mrs. THURMAN.
H.R. 3629: Mr. DEFAZIO.
H.R. 3636: Ms. CHRISTIAN-GREEN.
H.R. 3648: Mr. SOLOMON, Mr. STEARNS, Mr. QUINN, Mr. FOSSELLA, Ms. PRYCE of Ohio, Mr. HASTINGS of Washington, and Mr. GILMAN.
H.R. 3654: Mr. FOLEY, Mr. WELLER, and Mrs. EMERSON.
H.R. 3659: Mr. MCINTOSH, Mr. MURTHA, Mr. JENKINS, Mr. METCALF, Mr. MANZULLO, Mr. MCHUGH, Mr. FROST, Mr. SNYDER, and Mr. BERRY.
H.R. 3661: Mr. DAVIS of Virginia and Mr. BISHOP.
H.R. 3666: Mr. RUSH, Mr. POSHARD, Mr. MEEKS of New York, Ms. SLAUGHTER, Mr. RAHALL, Mr. HASTINGS of Florida, Mr. OLVER, Mr. UNDERWOOD, Mr. MENENDEZ, Mr. WAXMAN, and Mr. MANTON.
H.R. 3690: Mr. WHITFIELD, Mr. ADERHOLT, Mr. HOSTETTLER, Mr. GILLMOR, Mr. JENKINS, Mr. HOBSON, and Mr. SKELTON.
H.R. 3729: Mr. FRANKS of New Jersey, Mr. CHABOT, Mr. FOLEY, Mr. OXLEY, and Mr. ENGLISH of Pennsylvania.
H.R. 3734: Mr. LARGENT, Mr. MANZULLO, Mr. WATTS of Oklahoma, Mr. BOB SCHAEFFER, Mr. BARTON of Texas, Mr. HAYWORTH, Mr. KOLBE, and Mr. GRAHAM.
H.R. 3743: Ms. WOOLSEY, Mrs. MALONEY of New York, Mr. LIPINSKI, Mr. TIERNEY, Mr. FRANKS of New Jersey, Mr. BORSKI, Mrs. MINK of Hawaii, Mr. POSHARD, and Mr. LINDER.
H.R. 3749: Mr. KLECZKA, Mr. HUTCHINSON, Mr. SKEEN, Mrs. EMERSON, Mr. ENGLISH of Pennsylvania, Mr. BOEHLERT, Mr. HORN, Mrs. JOHNSON of Connecticut, and Mr. GILCHREST.
H.R. 3768: Mr. FROST, Ms. LOFGREN, Mr. THOMPSON, and Ms. NORTON.
H.R. 3775: Mr. LEWIS of California.
H.R. 3779: Mr. WAXMAN, Mr. OLVER, Mr. HAYWORTH, Mr. CUMMINGS, Mrs. MCCARTHY of New York, Mr. BARRETT of Wisconsin, Mr. BALDACCIO, Mr. NADLER, Mr. KING of New York, Mrs. MEEK of Florida, Mr. HASTINGS of Florida, Mr. GILCHREST, Mr. WEYGAND, Mr. OBERSTAR, Mr. SMITH of New Jersey, Mr. PAYNE, Mr. ABERCROMBIE, Mr. MEEHAN, Mr. MATSUI, Mr. LEWIS of Georgia, Mr. FILNER, Mr. SISISKY and Ms. PELOSI.
H.R. 3785: Mr. NEY, Mr. BRYANT, Mr. ENGLISH of Pennsylvania, Mr. ROUGH of Florida, Mr. COX of California, Mr. ROHRBACHER, and Mr. BARTLETT of Maryland.
H.R. 3792: Mr. GINGRICH, Mr. DELAY, Mr. HASTERT, Mr. WOLF, Mr. DAVIS of Virginia, Mr. SAXTON, Mrs. CHENOWETH, Mr. BILIRAKIS, Mr. SHAYS, Mr. HAYWORTH, Mr. ROYCE, and Mr. BURR of North Carolina.

May 7, 1998

CONGRESSIONAL RECORD — HOUSE

H3015

H.J. Res. 113: Mr. GILMAN.

H.J. Res. 114: Mr. PASCRELL and Mr. WELDON of Florida.

H. Con. Res. 181: Mr. GUTIERREZ, Mr. HALL of Ohio, Mr. LIPINSKI, Mr. MCINTYRE, and Mr. SCOTT.

H. Con. Res. 214: Mr. GOODE, Mr. MORAN of Virginia, and Mr. FORD.

H. Con. Res. 219: Mr. DAVIS of Illinois, Ms.

RIVERS, Mrs. LOWEY, Mr. BARTON of Texas, Mr. LIPINSKI, Mrs. CLAYTON, and Mr. BAKER.

H. Con. Res. 233: Mr. RANGEL.

H. Con. Res. 250: Mr. TOWNS.

H. Con. Res. 267: Ms. STABENOW.

H. Con. Res. 268: Mr. GREEN, Mr. SCHUMER, and Mr. LANTOS.

H. Con. Res. 271: Mr. THOMAS, Ms. ESHOO, and Mr. MCKEON.

H. Res. 399: Mr. BARR of Georgia.

H. Res. 401: Ms. DELAURO.

H. Res. 404: Mr. ROYCE, Mr. CAMP, and Mr. UNDERWOOD.